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ABSTRACT

This book presents three monographs written by the Formula Grants and Technical Assistance Division of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in its efforts to assist in the development and implementation of programs to reduce juvenile crime. The book is intended to offer the practitioner a summary of theory and research in juvenile justice, to help clarify funding policies for state and local agencies seeking funding, and to provide OJJDP administrators with criteria for awarding grants and technical assistance. The overall goals and perspectives of the Division are described, suggestions on how to implement goals are presented, and appropriate uses of the Division's technical assistance are explained. For each monograph, a document profile is provided and criteria for technical assistance are described. The first monograph, "Delinquency Prevention," offers a broad perspective on delinquency prevention as it has evolved in the United States. The second monograph, "Alternatives to the Juvenile Justice System," discusses community-based alternatives and considers theories regarding the causes of juvenile delinquency. The final monograph, "Improving the Juvenile Justice System," suggests potential roles for federal, state, and local governments, and for the general public, in improving juvenile justice efforts. (NRB)

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FROM THEORY TO PRACTICE

Delinquency Prevention
Alternatives to the Juvenile Justice System
Improving the Juvenile Justice System

Prepared for

The Office of Juvenile Justice
and Delinquency Prevention

U.S. Department of Justice

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PART I

FROM THEORY TO PRACTICE

CHAPTER 1

INTRODUCTION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is directed by Congress to lead Federal efforts in juvenile justice and delinquency prevention. In its Formula Grants and Technical Assistance Division (FGTAD), the OJJDP combines financial and technical assistance so that:

1. States and localities will be encouraged and assisted in implementing the Juvenile Justice and Delinquency Prevention Act; and

2. Efforts of grant and technical assistance recipients will build on the knowledge base of research and years of experience with program implementation.

GOALS

The Division's intent is to focus its assistance on the development and implementation of programs with the greatest potential for reducing juvenile crime, and to cultivate partnerships with state and local organizations. To that end, the Division has set three goals that constitute the major elements of a sound policy for juvenile justice and delinquency prevention. They are to: (1) promote delinquency prevention efforts; (2) foster the use of alternatives to the traditional justice system; and (3) improve the existing juvenile justice system.

Specifically, the three goals may be amplified as follows:

1. Delinquency Prevention--A sound policy for juvenile delinquency strives to strengthen the most powerful deterrent to misbehavior: a productive place for young people in law-abiding society. Preventive measures can operate on a large scale, providing gains in youth development while reducing youthful misbehavior. The Division's first goal is to identify and promote programs which prevent or preclude the occurrence of minor, serious, and violent crimes, and which prevent the commission of status offenses.

2. Development of Community Alternatives to the Traditional Justice System--Communities cannot afford to place their responsibilities for juvenile crime entirely on the juvenile justice system. A sound policy for combatting juvenile crime makes maximum use of a

community's less formal, often less expensive, and less alienating responses to youthful misbehavior. The Division's second goal is to identify and promote community alternatives for each stage of a child's contact with the juvenile justice system, emphasizing options which are least restrictive and most promote or preserve favorable ties with the child's family, school, and community; and

3. Improvement of the Juvenile Justice System--The limited resources of the juvenile justice system must be reserved for the most difficult and intractable problems of juvenile crime. A sound policy concentrates the more formal, expensive, and restrictive options of the juvenile justice system in two areas:

   On youth behavior which is most abhorrent and least amenable to preventive measures and community responses; and

   On the problems of youths and their families which exceed community resources and require more stringent legal resolution.

The third goal of the Division is to promote improvements in juvenile justice and facilitate the most effective allocation of the resources of that system.

MONOGRAPH OBJECTIVES

To promulgate its policy and goals, the Formula Grants and Technical Assistance Division has prepared three monographs that describe its overall perspectives and goals, present suggestions on how these goals can be implemented, and explain appropriate uses of the Division's technical assistance. These three documents follow the goal structure described above and address delinquency prevention, the development of community alternatives to the traditional justice system, and improvement of the juvenile justice system. In publishing these three documents, the Division had several salient objectives:

-- To offer the practitioner a summary of theory and research developed in the three goal areas over the past decade with suggestions on ways of translating the concepts into actual practice.

-- To promulgate the Division's formal policy and goals, so that state and local agencies seeking formula grants and technical assistance can readily determine whether the programs or requests they submit to the Office can be funded and/or supplemented within the constraints of the Division's policies and goals; and

-- To provide criteria for OJJDP's own administrators so that grants and technical assistance will be awarded against a common set of guidelines, and the grants will be awarded on a fair and even basis.

CHAPTER 2

OJJDP's GOAL INTERPRETATION

To provide a more comprehensive understanding of how the Division views the three goal areas, each is discussed briefly in the following subsections.

DELINQUENCY PREVENTION

This goal area emphasizes primary or preclusive delinquency prevention. Addressing delinquency prevention from this point of view requires a commensurate definition of the scope and cause of the problem. The perspective and strategy position summarized below draws upon the composite findings of contemporary theory and research about delinquency and its prevention.

Target Population

Which youths commit crimes? While most youths grow up relatively law-abiding, most occasionally commit crimes as well. The infrequent offenders commit about one-half of all FBI reported crimes, but relatively few of the most serious and violent crimes. Society is not necessarily frightened by these youths, but their contributions to the total costs of crime cannot be ignored.

Some youths--perhaps four to eight percent of all youths--commit crimes more frequently; a few very frequently. They account for the other half of all index crimes and for a large share of the most serious and violent crimes (Empey, 1978; Weis and Sederstrom, 1981; Elliott, Knowles, and Canter, 1981). These youths do frighten society. Still, after considerable effort it is not possible to predict reliably, on an individual basis, who the frequent offenders will be, nor can they be distinguished from other offenders on any basis other than the frequency of their crimes. That is, they are known only after they come in contact with the system several times. Further, the juvenile justice system is overburdened and its means are limited. To date, few programs have demonstrated an effect on delinquent behavior (Romig, 1978; Lipton, Martinson, and Wilkes, 1975).

If a reasonable chance to deal with the population of frequent offenders is to be offered, the general rate of juvenile crime as well as the size of the frequent offender group, will have to be reduced.

Peer Groups

Powerful influences on both the less frequent and the more frequent offenders are pressure and support from their peers. Few youths, it appears, persist in crime without such support. Delinquent groups tend to form among those who are characterized by failure and exclusion and, thus, find themselves together. Youths who lack opportunities and connections in conventional pursuits are most susceptible to influence by delinquent peers. Differences in income, race, and ethnicity tend to be associated with opportunity and exclusion and thus can complicate group formation, but these differences should not obscure the more general pervasive process. Miller (cited by Weis and Sederstrom, 1981) estimates that 20 percent of all boys in cities larger than 10,000 population are members of law-breaking groups. About seven percent of these boys--about 1.4 percent of all boys of relevant ages--may be members of distinct gangs with territories and uniforms. These gangs tend to be concentrated in the largest cities.

Ties to Convention

Youths may have strong ties to their families, schools, and work. Youths who have a stake in those conventional ties and activities are less likely to form delinquent peer groups or to be influenced by delinquent peers. They are bonded to--and thus controlled by--convention. Hirschi's useful description (1969) of the social bond can be extended to suggest the sorts of value which the bond provides. "Commitment" to conventional lines of activity is an instrumental association, which is likely to form when persons can be useful, can be competent, can exert some influence on what happens to them, and can build up some advantages for the future. When conventional behavior is rewarding, it produces a kind of investment or bond--a "stake in conformity"--which is both a reason to observe the law and a reason not to break it. That stake could be lost.

Bonds form through interaction. In their effort to synthesize social control and social learning theories, Weis and Hawkins (1980) suggest that bonds form best in the presence of specific opportunities for involvement, when the skills needed to exploit the opportunity are present, and when rewards for appropriate participation are consistent. They point to families as the important force for early socialization and schools as the prime arena for adolescents. Work and neighborhood play supporting parts.

In their analysis of social control, opportunity, labeling and social learning theories, Elliott, Ageton, and Canter (1979) suggest that consistency applies not just to rewards; bonds are likely to form in organized and predictable settings and to be weakened in settings that are disorganized and unpredictable for the actors. These authors also point to the importance of success and of the increasing integration in conventional contexts which success

brings. Again, families are important in early socialization. Schools gain primary importance as students enter middle or junior high school; success and failure in school and school grouping practices contribute to the formation of peer groups. Finally, Elliott, Ageton, and Canter (1979) point to the influence of positive or negative labeling experiences--as others reward and punish our behavior, they also make judgements about us which shape our opportunities in the future.

These powerful tools of social control--organization, opportunity, skill acquisition, reinforcement, labeling, and group composition--are not personal characteristics. They are features and functions of socializing institutions.

Organizational Change Strategies

The Division concludes that selective change in existing organizations and practices for dealing with youths is the most promising and feasible course to substantial gains in delinquency prevention. Delinquency is a large, pervasive problem requiring large-scale initiatives. Therefore, the foundation for a delinquency prevention initiative should be an activity which involves large numbers of youths. Accordingly, delinquency prevention programs should be mounted in organizations which can support and strengthen families on a large scale: in schools, in organizations with extensive ties in communities and neighborhoods, and in organizations which support the transition from school to work.

For all of these organizations, delinquency prevention will be a secondary aim. Schools cannot--and will not--undertake substantial additional efforts for the sake of delinquency prevention; they can and may undertake initiatives which contribute to both academic achievement and delinquency prevention. While crime may occasionally be a focus for organization, neighborhoods will not be sustained solely by a common interest in reducing crime. Activities which contribute to both delinquency prevention and to a neighborhood's development and improvement will be needed. Few families will remain engaged in an activity solely on the basis of its contribution to delinquency prevention. Activities which affect delinquent behavior and provide options to children are more likely to be supported. In the face of high unemployment rates among youths and hard economic times, employment agencies and employers must concentrate on activities which contribute to training and placement of an effective and stable work force; if activities can be found which serve those purposes and affect delinquency, they may be supported on a larger scale.

In relation to the activities and budgets already in place in states and communities, the formula grants of OJJDP are miniscule at present or predictable levels. Thus, an effective use of such modest supplements is to facilitate desirable changes in existing organizations and programs, rather than to

augment those programs or to create new ones. The Division will direct its technical assistance to the support of such initiatives.

The central problem of delinquency prevention is to find new activities or to modify existing activities to serve both the primary goals of the host organization and the goal of delinquency prevention. As may be expected, the problems and benefits of implementation in this approach are different than those encountered in the implementation of more self-contained initiatives. Organizational change will be required. This goal area is intended to support the selection of appropriate organizational change activities and to guide their implementation.

DEVELOPMENT OF COMMUNITY-BASED ALTERNATIVES

The term "community-based alternatives" refers to services or programs that are operated independently of the normal juvenile justice system and provide either resources for deflection of cases before entry or parallel options to the traditional system functions of police apprehension, court adjudication or correctional sanctioning. By definition, community-based alternatives are situated in a defined geographic area or neighborhood, primarily serve youths from that locality, and main programmatic linkages with nearby residents and youth-serving organizations.

Arguments supporting utilization of these juvenile justice system alternatives frequently focus on their potentially lower costs and greater effectiveness in reducing delinquent behaviors. Theoretically, the best counters to delinquency are attachments and bonding to friends and family, and commitments to conventional or adult-approved activities. These supports are more easily fostered or maintained in community-based programs and activities than in such justice system facilities as secure detention centers and large-scale, state-operated training or reform schools. The use of alternatives for noncriminal juvenile offenders and youths convicted of lesser crimes is recommended also to conserve the limited system resources for the most violent and serious delinquents.

For purposes of discussion and analysis in this document, community-based alternatives have been categorized, according to their justice system equivalent, as:

- Alternatives to intervention--diversion;
- Alternatives to court processing--conflict resolution;
- Alternatives to detention--pretrial community supervision; and
- Alternatives to incarceration--community-based corrections.

Each of these are discussed in the following sections.

Diversion

During the 1970's, diversion program that either released youths who were charged with status offenses or minor crimes, or referred them to potentially rehabilitative services were promoted as a means of:

1. Minimizing court contact and thereby decreasing any stigmatizing effects;

2. Maintaining normal contact between youths and family or friends; and

3. Decreasing the costs of processing or formal intervention.

However, evaluations of diversion programs (Romig, 1978; National Evaluation, 1981) found that these programs were not generally effective in reducing stigmatization, improving social adjustment, or increasing conforming behavior. Moreover, while diversion without further services was less expensive than processing, diversion with services was not always comparatively less costly.

Conflict Resolution

Alternatives to court functions refer to conflict resolution projects that usually involve mediation or arbitration in misdemeanors and minor felony cases. In such cases, the prosecutor, defendant, and victim consent to an alternative mediation or arbitration process, but still retain the option of disputing the finding and having the case referred for usual processing. Although not so carefully evaluated as diversion programs, conflict resolution projects have been found to decrease decision-making time and require less attention by court officials. Further the process often is suited better to cases involving a personal relationship between victim and offender than formal, adversarial procedures.

Detention

Alternatives to detention refer to placement options for juveniles arrested and considered dangerous to the community or themselves or unlikely to appear in court. Community alternatives include home detention, involving close supervision by parents and probation officer; foster care; and group home placements. These less restrictive resources have proven successful in ensuring court appearances (Pappenfort and Young, 1980) and have thus stimulated questioning about the use of secure detention for accused juveniles who are generally not likely to commit further offenses or miss court appearances.

Community-Based Corrections

"Community-based corrections" refers to a range of residential and nonresidential programs including options like foster care, group homes, special projects for substance abusers or offenders with mental health problems, stipended work and vocational training, community service assignments and restitution programs. Restitution and community service programs are particularly popular among community correctional officials, not only because of their potential impact on offenders, but as a symbol of the responsibility of the justice system to the victims.

Research into the effectiveness of community-based residential centers and other alternatives has found them generally wanting where the measure of success is limited to a reduction in recidivism. In fact, critics of alternatives claim that mere community location by itself does not necessarily make any program more effective, less costly, more humane or even more conducive to reintegration of a youth with his community. On the basis of evaluations, however, the most promising projects adopt service approaches that diagnose each youth's problem in a particular area, set behavioral goals, give the youth an opportunity to practice the new behavior or skill, evaluate performance, reward the youth for successful behavior, and modify rehabilitative goals as necessary.

Two generic criticisms have been levied against the overuse of misapplication of community-based alternatives. These criticisms need to be taken seriously in the design and establishment of such alternatives. The first is a general tendency to "widen the net" or increase the scope of judicial or other justice system controls over youths who would otherwise have been released or subjected to lesser restrictions. Second, alternatives that retain original charges or otherwise hold a conditional threat of punishment for completing a mandated program may be infringing upon "due process" rights (McSparron, 1980; Hylton, 1982; Austin and Krisberg, 1982).

Certain general characteristics of community-based programs can be identified from research findings or theoretical frameworks as desirable features. One asset is service delivery to a general population of youths, not just delinquents, so that participants have an opportunity to mix with and form attachments to law-biding counterparts. Other positive values are the encouragement of active participation in traditional roles for youngsters at school or in the community and the provision of opportunities for meaningful employment or the development of proven skills.

Given the evidence that at least some community-based alternatives show promise of effectiveness, advocates for alternatives can pursue certain strategies to encourage their adoption. These include emphasizing beneficial characteristics of alternatives; conducting well-designed evaluative studies; and incorporating programs into the innovations derived from current research findings.

IMPROVEMENT OF THE JUVENILE JUSTICE SYSTEM

The resources and powers of the juvenile justice system should be concentrated in two main areas:

- The first area of concentration must be on frequent, serious, and violent crime, which is unlikely to be handled effectively by any other strategy. There is a population of youths who are so highly alienated from society and so deeply involved in crime that no alternatives to formal traditional justice system intervention exist. These juvenile offenders constitute a small portion of all youths and even a minority of those who ever come in contact with police or appear in court. Thus, the scarce resources of the juvenile justice system should be concentrated on them.

- The second area of concentration for the traditional system includes matters involving youths, their families, and schools which require legal resolutions that only the courts can provide. Matters such as custody, probation of children, and emancipation are included in this category.

Considerable efforts have been undertaken in the areas of research, program development, and evaluations to develop strategies to improve the juvenile justice system. Some of the best sources of information on these activities are the standards promulgated by such groups as the National Advisory Committee on Juvenile Justice and Delinquency Prevention, the Institute for Judicial Administration, and the American Bar Association. In reviewing standards, several principles emerge that should apply to all operations of the juvenile justice system. These include:

- Support for primary restitution,
- Accountability,
- Protection of the rights of children,
- Use of the least restrictive options, and
- Obligations of intervention.

Each is briefly discussed below.

Support for Primary Institutions

The family remains the basic unit of our social order. Schools soon join parents in rearing children and grow increasingly important to youngsters; in fact, by the time children enter secondary school, schools probably are the more important influence on behavior. In high school, the prospect of a working life emerges, and the transition from student to worker becomes increasingly important. Government policies, programs, and practices should

support or strengthen these arrangements; they cannot, in any large way, substitute for them.

The older the child, the more energy should be devoted to promoting success at school and then to promoting independence. For juveniles for whom relationships at school have become untenable, government policies should promote emancipation through vocational training, alternative routes to post-secondary education, job placement, and independent living.

Accountability

With any delegation of authority by or to a governmental entity must be limits on the exercise and duration of that authority and mechanisms to assure its appropriate use. Guidelines and review procedures should be established for all intervention, intake, custody, and dispositional decisions. Stringent evaluation should be employed systematically to assure the wisdom and effect of that decision-making.

Protection of the Rights of Children

Age is not a valid basis for denying procedural protections when fundamental rights are threatened. Juveniles within the juvenile justice system should be accorded both the protections provided to adults and the solicitous care postulated for children. There exist other means beyond the denial of basic rights to deal with juveniles whose age or behavior require more strict intervention.

Use of the Least Restrictive Options

Whenever there is a choice among various alternatives, the option which least intrudes on liberty and privacy and which most maintains and promotes bonds to conventional activities and persons should be preferred. Less restrictive and more effective options for all populations should be developed systematically to increase the range of choices. Secure detention and institutionalization should be regarded as a last resort for the most serious crimes and the violent crimes, and even then should be considered in relation to other options for dealing with such cases.

Obligations of Intervention

When liberty is restricted for the sake of rehabilitation, there is an obligation to offer a range of services reasonably designed to achieve the rehabilitative goals in the shortest time. Intervention justified upon the doctrine of parens patriae imposes the duty to provide the resources necessary to fulfill the promise of care and assistance. When the claim of rehabilitation is compromised by a lack of funding or by negative evaluation results, the power to intervene is also compromised, and adjustments are imperative.

CHAPTER 3

RELATIONSHIP OF MONOGRAPHS TO OJJDP ACTIVITIES

In developing its monograph series, the Formula Grants and Technical Assistance Division has drawn from a wide body of research, literature, evaluations, and other documents. In particular, the contents of these monographs should be considered in light of the work of four Assessment Centers established by the Office of Juvenile Justice and Delinquency Prevention. These Centers are:

-- The University of Chicago--National Center for the Assessment of Alternatives for Juvenile Justice;

-- The American Justice Institute--National Juvenile Justice Assessment Center;

-- The National Council on Crime and Delinquency--National Center for Integrated Data Analysis; and

-- The University of Washington--National Center for the Assessment of Delinquent Behavior and Its Prevention.

Another source of information and guidance to the practitioner translating theory to practice in juvenile justice are the standards promulgated by various bodies. In particular, the following should be consulted:

-- National Advisory Committee Standards for the Administration of Juvenile Justice;

-- National Advisory Committee on Criminal Justice Standards and Goals;

-- Standards for Juvenile Justice of the Institute for Judicial Administration and the American Bar Association.

The Office of Juvenile Justice and Delinquency Prevention has many valuable resources in addition to those described above and the documents of the Formula Grants and Technical Assistance Division. The Special Emphasis Division has sponsored a variety of demonstration programs relevant to the three goals discussed above and research documents are available through the National Institute of Juvenile Justice and Delinquency Prevention. Additionally, the Juvenile Justice Clearinghouse has documents available that are germane to these topics.

CHAPTER 4

USES OF TECHNICAL ASSISTANCE

The Formula Grants and Technical Assistance Division seeks a partnership with local, state, and national organizations in which the Division can contribute its resources to well-designed and well-executed programs consistent with the aims of the Office and which can be replicated on an expanding scale. Technical assistance requests come to the Office directly from juvenile justice agencies, and they are then reviewed by the Division for response. In its reviews, the Division considers the following general criteria:

- Relationship to OJJDP legislative mandate;
- Relationship to and consistency with Formula Grants and Technical Assistance Division goals;
- Appropriateness of Federal assistance relevant to a local problem; and
- Impact on the recipient and on the state of the art of juvenile justice from responding to this request.

Technical assistance is provided through a number of different vehicles: on-site consultation, documentation and correspondence, training, and conferences. The strategy that is employed depends on the needs of the recipient and what is most helpful to him as well as the availability of resources.

In deciding where to focus technical assistance resources, special consideration is given to supporting national organizations, supporting state government personnel, and providing assistance to individual programs from which efforts the Division can advance the state of knowledge about successful intervention strategies. The rational for this emphasis follows:

- Support for National Organizations--When influential national organizations invest their own resources in initiatives consistent with the aims and principles described above, the effectiveness of OJJDP's technical assistance can be increased. The Division seeks such relationships.
- Support for State Personnel--When state personnel take a strong lead in promoting and testing promising programs, and technical assistance providers can support them instead of working independently, both state leadership and the effectiveness of technical assistance can be

magnified. The Division welcomes requests in which this relationship is offered.

-- Support for Program Tests--Technical assistance will be improved by participation in a few of the most promising and rigorous program tests. The Division continually seeks partnerships in which technical assistance can complement efforts by state organizations, particularly OJJDP's state counterparts.

CHAPTER 5

CONCLUSION

Significant gains in juvenile justice and delinquency prevention require deliberate and sustained attention to the major traditional and nontraditional institutions of the juvenile justice system. Actions which strengthen the primary socializing institutions—family, school, and work—should be emphasized. The task is to focus on those activities which are demonstrably effective, appropriate, and efficient. Fruitful innovation, likewise, requires systematic attention to theory and research, followed by careful program design and implementation. The results of intervening into the system, be it implementing or modifying existing practices or developing new approaches, must be thoughtfully monitored if not evaluated, to insure the most effective and efficient use of resources.

The Office of Juvenile Justice and Delinquency Prevention, Formula Grants and Technical Assistance Division, is committed to offering whatever guidance and assistance it has to strengthening the juvenile justice system. By articulating its goals and offering the policymaker, practitioner, and researcher the theoretical basis of these goals, the hope is that the lessons of the past can be effectively translated into actions for the future.

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PART II

DELINQUENCY PREVENTION

CHAPTER 1

DOCUMENT PROFILE

In this particular document, Delinquency Prevention, a broad perspective on delinquency prevention as it has evolved in the United States is offered. The document covers:

- Chapter 2: History of Prevention Practice in the United States--This chapter provides a brief historical overview of past prevention efforts in this country. To persuade local practitioners to change, one must first demonstrate an adequate understanding of the concept of prevention and how it has been translated into practice over the past years. Chapter 2 provides such information.

- Chapter 3: The Problem of Delinquency Prevention in Perspective--This chapter contains an overview of past and present prevention practices. Each set of programs is discussed on the basis of recent theory and research concerning the sources of delinquency. A promising contemporary approach based on organizational change strategies is also described. This chapter provides supportive evidence to advocate prevention approaches based on organizational change strategies.

- Chapter 4: Theoretical Framework--This chapter presents a brief analysis of the theoretical basis for an organizational change approach. An example of how these theories can be applied in one of our major social institutions--the school--is featured. This application reflects a current research and demonstration project of OJJDP that appears not only to be working, but to be cost-effective as well.

- Chapter 5: Technical Assistance for Delinquency Prevention Initiatives--This chapter defines the criteria by which technical assistance requests are judged by the Formula Grants and Technical Assistance Division of OJJDP. In addition, steps involved in requesting technical assistance and the modes of technical assistance which may be provided are discussed.

This document concludes with Appendix A--Bibliography--and Appendix B, which presents illustrative examples of institution-based interventions that conform to the organizational change approach.

CHAPTER 2

HISTORY OF PREVENTION PRACTICE IN THE UNITED STATES

There have been diverse academic, professional, and popular views about the causes of delinquency and how it can be prevented. The term prevention has an ambiguous history of its own. It is useful to view delinquency prevention practices from an historical perspective to see where we have been. Critically examining these practices (Chapter 3) suggests how we might best proceed.

DEFINING PREVENTION

In a review of delinquency prevention programs up to 1950, Witmer and Tufts (1954), identified three dominant concepts of prevention. In a critique of delinquency prevention programs up to the 1960's, John Martin (1968) also identified three major prevention concepts. An additional review by Harlow (1969) defines these prevention concepts in terms of the timing of interventions. These sets of definitions are summarized in Table 1.

The multiple definitions of both Harlow and Witmer/Tufts are keyed to successively smaller population groups: all juveniles; predelinquent ("high risk") juveniles; and delinquency juveniles. Martin's definitions are not so clearly focused on population groups. There is an important shift between the earlier critique of Witmer and Tufts and that of Martin. Martin explicitly identifies the need to deal with environmental conditions to prevent delinquency (see the second definition in Table 1: "Delinquency prevention is the attempt to deal with particular environmental conditions that are believed to contribute to delinquency"). This parallels the shift in emphasis from individual treatment to the community organization approaches that were prevalent during the 1960's, and the growing dominance of American sociology in the fields of crime and delinquency during the 1950's and 1960's.

Harlow's concepts of primary, secondary, and tertiary intervention suggest an interesting analogy to illness and the levels of care provided to successively more severe or enduring health problems. Similarly, the emphasis on removing or reducing problems that contribute to delinquency is in tune with the public health perspective of prevention through environmental/life style improvement and the emerging concept of wellness.

Lejins (1967) makes clear the dichotomy between "prevention" and "control":

TABLE 1

CATEGORIES OF DELINQUENCY PREVENTION

Witmer and Tufts[1]	Martin[2]	Harlow[3]
Delinquency prevention consists of:	Delinquency prevention is the sum total of all activities that contribute to the adjustment of children and to healthy personalities in children.	Primary prevention is directed toward the crimogenic environment without distinguishing between those persons who have responded criminally and those who have not.
Efforts aimed at promoting the "healthy personality development" of all children.	Delinquency prevention is the attempt to deal with particular environmental conditions that are believed to contribute to delinquency.	Secondary prevention includes programs concerned with delinquency-prone individuals and emphasizing early identification and treatment of predelinquents.
Efforts directed primarily toward potential delinquents before they become involved in delinquency behavior.	Delinquency prevention consists of specific prevention services provided to individual children or groups of children.	Tertiary prevention is corrective in that it is concerned with preventing recidivism.
Efforts aimed at reducing recidivism.		

[1]Wilmer, H., and Tufts, E. (1974).

[2]Martin, J. (1968).

[3]Harlow, E. (1969).

> Prevention is a measure taken before a criminal or delinquent act actually occurred for the purpose of forestalling such an act; control is a measure taken after a criminal or delinquent act has been committed (Lejins, 1967, p. 2).

Within this context, Lejins then defines three kinds of prevention:

-- Corrective prevention, which focuses on the elimination of conditions that lead to or cause criminal behavior;

-- Punitive prevention, which relies on the threat of punishment to forestall criminal acts; and

-- Mechanical prevention, which is directed toward "target hardening" to make it difficult or impossible to commit particular offenses.

The idea of successively more specific groups of youths (all, predelinquent, delinquent) is less important to this interpretation and strategies are more explicit.

Given the applied focus of this monograph, a structural perspective is used as the basis for defining categories of prevention. This includes an emphasis on environmental conditions and a distinction between prevention and control:

1. Primary or preclusive prevention is directed to the general populations of the principal socializing institutions: family, school, and work. It is designed to strengthen the forces and processes which presently produce relatively law-abiding behavior in most young persons.

2. Secondary prevention is directed to specific environmental forces favorable to delinquency. It is intended to disrupt those forces, or to remove classes of individuals from their influence.

3. Tertiary prevention is directed to individuals suffering distinctive individual maladies which substantially increase their probability of breaking the law. It is designed to correct the malady and thus to render the individual amenable to secondary or primary prevention measures.

All measures taken in reaction to specific delinquent acts by specific persons have as their objective the reduction of future delinquent behavior by those persons. These approaches are more properly considered to be delinquency control rather than delinquency prevention.

This monograph is concerned with approaches intended to reduce the incidence and prevalence of delinquent acts and delinquency. Its emphasis is on forestalling rather than reacting to delinquency. This includes the categories of primary and secondary prevention described above.

Strategies that have historically focused on "predelinquents" and "delinquents" are included in the review of program successes and failures described in the following chapter. However, the central meaning of prevention vis à vis the theory and strategies recommended in Chapters 4 and 5 is to alter environments, so as to preserve youths in a relative law-abiding status.

EMERGING TRENDS IN PREVENTION PRACTICE*

Changing philosophies about children and childhood and large-scale developments in new professions (e.g., the emergence of the social worker, the impact of Freudian concepts, and the psychoanalytic school) characterize the intent and design of programs to prevent delinquency. Concepts of the care appropriate for problem children have fluctuated between such extremes as harsh authoritarian discipline (to control idle hands and evil minds) to individual psychotherapy (to exorcise developmental trauma). An overview of the philosophical, social, economic, and cultural factors that have played a role in prevention programs is well beyond the scope of this monograph. Instead, this section attempts to identify major forms of intervention as they emerged as new approaches, to typify the range of strategies that have been employed, and to spell out the more basic shifts in orientation over time.

19th Century Practices

From the early part of the 19th Century, there was concern about the link between increased pauperism and the rise of delinquency in the United States. Reformers investigated and drew up legislation that reflected their ideas about this problem. One result was the founding of houses of refuge. Although they accepted children convicted of crime, the early houses of refuge were intended to be preventive institutions which took in children who lacked parents, or who had parents that did not care for, or who could not control their children. The concept was described by the New York Society for the Prevention of Pauperism as follows:

> These prisons should be rather schools for instruction, than places of punishment, like in present state prisons where the old and the young are confined indiscriminately. The youth confined there should be placed under a course of discipline, severe and

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*Much of the material in the following four subsections--19th Century through Contemporary Trends--has been summarized from the Preliminary Report of the National Evaluation of Prevention, National Council on Crime and Delinquency, 1978.

> unchanging, but alike calculated to subdue and conciliate (Mennel, 1973, p. 11).

In the second half of the 19th Century, a group of reformers, known as the Child Savers appeared, and their approach differed somewhat from the house-of-refuge concept (Platt, 1969). This group included such reformers as Lewis Pease, Samuel Ridley Howell, and Charles Loring Brace. In contrast to the house-of-refuge approach, these reformers supported the concept of community-based services rather than incarceration. Consequently, they established urban centers to distribute clothing and provide shelter for those who were homeless, and they also instituted a work program for destitute youths. Instruction in the Christian gospel was frequently a part of the routine of these urban centers. Impoverished urban youths were looked upon as victims of a destructive social environment. One of the Child Savers' solutions to this problem was to remove youths from this environment by placing them with farm families out West.

Around the middle of the 19th Century, beginning in the 1840's, John Augustus of Boston initiated the practice of putting up bail for men charged with drunkenness. He subsequently provided bail, clothing, and shelter to youths and at times assisted them in finding jobs. In some instances, he paid court costs to keep them out of jail. Various "child saving" groups also adopted this early parole system. By 1869, this approach was sanctioned by the State of Massachusetts--delinquents were permitted to be released under the supervision of the Board of State Charities.

During the latter half of the 1800's, there were two different and usually opposed approaches in place: the use of institutions for the incarceration of juveniles versus community-based efforts. The incarceration approach was sometimes softened through the use of cottage or family systems. However, there was a continuing and expanding trend toward locking up wayward youths throughout the 19th Century.

Progressive Era (1880-1920)

Bridging the turn of the century, the period from 1880 to 1920 (often referred to as the Progressive Era) saw more and more delinquency prevention efforts. Youth services were developed in many urban areas in the form of Settlement Houses and Boys' Clubs. As part of a protective response to the Industrial Revolution and the social dislocation that it caused, reformers saw their role as teachers and missionaries to the urban poor. Settlement House workers often took up residence in poor areas to protect and educate the poor. Hull House, founded by Jane Addams (1910), is one of the best known examples of the Settlement House approach.

As the number of volunteer youth service workers grew, they constituted a significant lobby group for protective child welfare legislation, including

juvenile court legislation. The Progressive Era reformers conducted surveys to determine the extent of poverty and youth crime in their communities, and they supported social experiments to develop new behavior patterns among the poor. These interests supported the growth of a profession focused on social and child welfare activities. Concurrent trends which emerged in psychiatry, psychology, and criminology placed a strong emphasis on individual development and case analysis within the developing profession.

William Healy (1929), whose research and theories are still evident in present-day delinquency efforts, exerted a strong influence during the Progressive Era. Healy identified a wide range of factors that could cause delinquency, including the influence of bad companions; treatment under the law--continuing negative associations by sending a boy and his companions to the same institution, and returning a boy on parole to old associations; and mental confict, sometimes due to lack of good parental management. The latter echoed the sentiments of Charles Loring Brace who believed that the family was "God's reformatory" (cited by the National Council on Crime and Delinquency, 1978).

First Half of the 20th Century

The "medical" model was a major force in the study and treatment of criminal behavior during the 1920's. Delinquency was frequently considered to be the result of mental abnormality and clinical defects. A review of articles published during the 1920's in the Journal of the American Institute of Criminal Law and Criminology revealed a significant number had referred to the concept of "defective development" and emphasized inherited mental defects as a cause of delinquency (Cardarelli, 1975, p. 27).

By 1930, the emphasis on inherited deficiencies gave way to an emphasis on psychological/psychiatric factors and their treatment. Child guidance clinics devoted to the psychological treatment of children became popular. By 1931, there were 232 such clinics in operation across the nation. William Healy was a major proponent and powerful force in the establishment of these clinics and in the predominance of the individual therapy approach: Healy's ideas and the child guidance clinic movement emphasized the individual treatment model which dominated prevention thinking and practice throughout most of the twentienth century (Cardarelli, 1975, p. 27).

Also during the 1920's and 1930's, Chicago social scientists presented a new approach to prevention. The Chicago school included such sociologists as Robert Park, Frederick Trasher, Henry McKay, and Clifford Shaw, who emphasized the effects of social and environmental influences on youths. Delinquency was seen to be the outcome of the social disorganization produced by modern industrial society, and the emergence of urban areas that lacked social and community roots. Their response to this situation was the Chicago Area Project (1934), and prevention program predicated on community organization

methods. As such, sociological rather than psychological theory was seen as the appropriate basis for explanation and intervention. The Chicago Area Project fostered maximum community input and local resident participation in the delivery of services. Although this project appeared to hold some promise, the community organization model was subsequently abandoned for close to three decades.

The psychological perspective prevailed through the 1940's and 1950's, but was expanded to include group dynamics as a therapeutic approach. Included in this perspective were detached worker programs which concentrated on working with members of delinquent gangs, an extension of the psychological model to the street corner. Major detached worker programs included the Brooklyn Detached Worker Project, the Boston Delinquency Project, and the Hyde Park Youth Project.

Contemporary Trends

In the 1950's and 1960's, therapies emerged which shifted the emphasis from the internal problems and attitudes of youths to the external environment and individual behavior. These approaches included reality therapy and behavior modification techniques. The former aims at preparing the individual for the environment in which he must live, while the latter attempts to structure an environment in which appropriate new behaviors can be learned.

The emphasis on environment was to take on added significance within the framework of the federal War on Poverty; the focus on intervention was enlarged to include the social structure itself. Until 1960, the federal role in delinquency prevention remained limited in scope and intensity. Beginning in 1961, however, the federal effort expanded rapidly. A primary vehicle of this expansion was the President's Committee on Juvenile Delinquency and Youth Crime.

Two of the major programs sponsored by this Committee were Mobilization for Youth (MFY) and Harlem Youth Opportunities Unlimited (The Haryou Act). These programs were focused on changing the social conditions affecting the lives of inner-city youths. They stressed the importance of empowering the poor and encouraged maximum community participation in the planning and execution of social welfare programs.

In 1967, social scientists and practitioners reviewed theories of delinquency prevention for President Johnson's Crime Commission. The MFY and Haryou Act programs were prominent in their consideration. The Commission emphasized the need for broad-scale social reform to prevent delinquency. In addition, the Commission encouraged diversion from the justice system as a prevention approach. A mechanism of prevention highly recommended by the President's Commission was the Youth Service Bureau, created to incorporate the joint objectives of diversion and advocacy on behalf of troubled youths.

In 1968, the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act (administered by the Department of Justice and HEW, respectively) mandated federal assistance to the states for the planning of innovative community-based programs which would provide for the prevention, diagnosis, diversion, and treatment of delinquent youths. HEW programs emphasized the establishment of youth service networks and adopted a broad theoretical model, focusing on the need to promote change in the social institutions perceived to contribute to delinquency. The Department of Justice, through LEAA, allocated monies to state planning agencies for a variety of delinquency prevention programs, including family counseling, diversion, police school programs, and programs for children with learning problems.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established in 1974. This Office has supported a broad range of theoretical reviews, evaluation research, and demonstration/technical assistance programs, including programs which focus on change in important youth-serving organizations from schools to courts. A summary of contemporary delinquency theories which suggest that organizational change in the main tool of prevention is presented in Chapter 3.

Shifting Orientations

A number of themes can be traced in the historical development of delinquency prevention. The most pervasive approach has been to focus on the individual. In our own times, this has included attempts to "predict" delinquency on the basis of biological or personality determinants, and program after program has been instituted to provide some kind of therapy for individuals. Another dominant theme has been the assumption that delinquency is associated with poverty. This was true in the 19th Century with the rise of Pauperism, and its more sophisticated version is readily apparent in the 20th Century and the Great Society's War on Poverty.

The most important trend is the one that proceeds from incarceration to community-based programs, coupled with the shift from the individual as the sole target of intervention to a concern with the effects of social interaction and the social structure. The former was most evident during the latter half of the 1800's. During this period, the importance and usefulness of incarceration versus community-based programs were debated by competing proponents, with both approaches evident in programs around the country. Similarly, the perspective of simple "control" or containment (as in the Houses of Refuge) gave way to more active forms of social and moral rehabilitation, most notably during the Progressive Era.

The major transition to approaches focused on changing the quality of social interactions and of the social structure itself occurred in the 1960's. This was at the same time that the federal role in delinquency prevention

expanded. Although the importance of the environment had been recognized by the Child Savers in the late 19th Century, they attempted to remove children from a destructive social environment. By the Progressive Era, there were social reformers who saw the possibility of improving the environment itself. The Chicago Area Project was a community-based experiment along these lines, and the MFY and Haryou Act programs were more immediate precursors of this development. The "new" emphasis in environment is also echoed in the emerging definition of delinquency prevention which included, by the 1960's, the identification of the environment as a crucial factor in delinquency prevention.

A multiplicity of approaches are in use today. As new orientations have emerged, they have been added to the repertoire of program designers and administrators. The critical question that is addressed in Chapter 3 is: Which of these approaches works?

CHAPTER 3

THE PROBLEM OF DELINQUENCY PREVENTION IN PERSPECTIVE

> Too often, when we are confronted with the necessity of stating the idea behind the most common and essential functions in society, we realize that we have no idea. We do the things we do mainly because we have done them before, adding new usages to old ones as our immediate needs change (Ramsey Clark, 1972).

RELATING HOW TO WHY IN DELINQUENCY PREVENTION

It is logical to assume that to prevent delinquency, it is first necessary to understand its causes; i.e., why it occurs. But understanding causation does not mean that the problem would then be solved. As noted by Walter Ludin:

> A theory of criminality is a <u>why</u> question, whereas the issues in prevention are <u>how</u> questions (Ludin, 1962, p. 214).

The validity of the relationship between the <u>why</u> and <u>how</u> is also critical. It is not at all unusual to find many programs reporting the same fundamental assumptions, while utilizing substantially different strategies in service of these assumptions.

This is further complicated by the fact that some strategies may support one theory while conflicting with another: ". . . a fairly common assumption stated by practitioners is that certain juveniles have some type of scholastic dysfunctions which help promote their 'abnormal behavior.' Based on this assumption, an alternative school is proposed and the juvenile attends the school with others like him; yet this strategy directly conflicts with widely accepted notions based on theories of differential association and group dynamics" (Walker, 1976, p. 147).

Common practice in delinquency prevention does not reflect contemporary theory and research findings. The main arguments of theory and research place the sources of delinquency in social interaction and in the operations of social institutions. Yet most programs have focused upon individual and family counseling. Often the language of delinquency prevention as social change has been adopted without making any corresponding modifications of program practice (Johnson, 1981).

PROGRAM SUCCESSES AND FAILURES*

Several classifications of delinquency prevention programs and approaches have been suggested. Prominent among these are the strategy and technique classification of Cardarelli (1975) and the cause and strategy breakdown utilized by Hawkins et al. (1980). Cardarelli clusters programs into these strategies: coaching, instruction, recreation, youth advocacy, police/school/community relations, and opportunity enhancement. Hawkins identifies 12 presumed causes (with particular strategies listed for each cause): physical abnormality/illness; psychological disturbance; weak attachments to others; criminal influence; powerlessness; lack of useful worthwhile roles, unoccupied time; inadequate skills; conflicting environmental demands; economic necessity; low degree of risk/difficulty; and exclusionary social responses.

Another method of organizing program strategies and their theories is one that uses focus of intervention (i.e., the individual, social interaction, and the social structure) as an initial means of segregating explanations and approaches (Johnson, 1981). This approach, outlined in Table 2, allows for an examination of programs based on the same theory but focused on differing levels of intervention. Program successes and failures reviewed in this chapter are organized around the topics listed in Table 2.

The following overview is intended to emphasize approaches and explanations that show promise, or that have demonstrated some impact on delinquency. Therefore, only a brief description of those programs found to be ineffective is presented. Because evaluation methodology and interpretation are frequently equivocal in any field of study interested readers are encouraged to read the original source documents cited for more detailed information on specific programs and their evaluations. Table 3 is a tabular summary of programs that have demonstrated little or no impact on delinquency, along with a listing of the evaluation reviews that document these findings.

Delinquency Behavior and the Individual

Three types of explanations can be identified under this category. They are:

— Explanations focusing on individual characteristics,

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*The majority of the program review material in this section is condensed from Chapter 2 of Johnson, et al. (1981). The design and setting of any particular program can be critical to success, and the interested reader is referred to the original source documents to compare a given program to his or her own circumstances.

TABLE 2

DELINQUENCY PREVENTION EXPLANATION AND
APPROACHES BY FOCUS OF INTERVENTION

I. Interventions Directed toward the Individual

A. Explanations Focusing on Individual Characteristics

1. Biological Determinants
2. Personality Determinants
3. Learning Disabilities
4. Behavior Theory
5. Programs Focusing on Individual and Group Therapy Approaches

Casework
Individual Psychotherapy
Group Counseling
Wilderness Programs
Special Education Programs
Behavior Modification
Youth Encounters with Prison Inmates

B. Socioeconomic Level and Delinquency Behavior

1. The Family and Delinquency Behavior
2. Individual Targeted Programs Focusing on Background and Environmental Factors

C. Explanations Applying Sociological Theory to Individuals

II. Interventions Directed toward Social Interaction

A. Explanations Focusing on Peer Group Interaction
B. Explanations Focusing on Classroom Interaction

III. Interventions Directed toward the Social Structure

A. Labeling and Societal Reaction Theory
B. Subcultural Theories
C. Strain and Opportunity Theories
D. Bonding and Control Theories

TABLE 3

ASSUMPTIONS AND PROGRAMS FOUND TO HAVE LITTLE OR NO IMPACT ON DELINQUENCY

Assumptions or Programs	Major Evaluation Review and Their Findings
Biological Determinants	Gibbons (1970)--No valid generalizations can be drawn vis à vis biological factors in deviance.
Personality Determinants	Schuessler and Cressey (cited by Gibbons, 1970, and Kassebaum, 1974)--No basis for claims that the law abiding can be distinguished from the law violating by personality characteristics.
Behavior Theory	Canadian Law Commission (1976, 1977)*--Punishment is ineffective as a deterrent to crime.
Individual and Group Therapy: Casework, individual psychotherapy, group counseling, wilderness programs, special education programs, behavior modification programs	Romig (1978)--All of these approaches were not effective in reducing delinquency.
Family Background: Intact vs. Broken Homes	Nye (1958)--Children from broken homes committed only slightly more delinquent acts, but were twice as likely to be institutionalized compared to those from intact homes.
Criminal History of Parents	Elliott and Voss (1974)--Exposure to family members who are known delinquents is unrelated to delinquency. Hirschi (1969)--As is true for close ties to conventional parents, close ties to criminal or non-conventional parents are negatively related to delinquent behavior.
Recreation Programs	Dixon and Wright (1971)--There is no evidence that recreational programs alter delinquency.
Youth Work Programs	Romig (1978)--Some 9 out of 12 vocational and work programs evaluated showed no favorable effects on delinquency. (The three successful programs provided the possibility of advancement.) Manpower Demonstration Research Corp. (1980)--Supported work programs had little impact on the employment, drug use, or criminal activities of the youth target group.
Detached Gang Worker Program	Klein (cited by Kassebaum, 1974)--No reduction in the seriousness of offenses (and the possibility of increased gang violence) in "treated gangs when compared to a control sample of gangs.

*The Canadian Law Commission studies are reported in Fear of Punishment: Deterrence, Ottawa, 1976 and in the Canadian Journal of Criminology and Corrections, 19 (2), 1977. See Criminal Justice Abstracts, 9(3), pp. 354-360, 1977.

-- Explanations focused on socioeconomic level, and

-- Explanations applying sociological theory to individuals.

Explanations focusing on individual characteristics comprise those which presume biological and personality determinants as the basis for delinquency, including learning disabilities and programs designed to provide group or individual therapy. Programs predicated on assumptions of biological or personality determinants as a basis for delinquency and the use of behavior theory (i.e., severity and certainty of punishment as a deterrent of crime) have not proven fruitful in addressing delinquency prevention (see Table 3).

Individual and group therapy programs include casework, individual psychotherapy, group counseling, wilderness programs, special education programs, behavior modification, and youth encounters with prison inmates. The latter received national prominence in 1979 through the television documentary film, "Scared Straight." However, this approach, along with most other individual and group therapy approaches, does not stand up to evaluation (see Table 3). The "Scared Straight" type of program may benefit some young persons with histories of delinquent offenses, but it may very well harm other youths, particularly those who come to the sessions without a background of officially recorded delinquency (Johnson, 1981, pp. 2-22 and 2-23).

Recently, researchers found an association between their measures of learning disabilities and both delinquent acts and arrests (Dunivant, 1981). Further, they found that a program addressed to learning disabillities as a causative agent showed a reduction in delinquency among those youths who received at least 40 to 50 hours of remedial instruction. It is significnat to note that the intervention in this program is a form of "mastery learning," a set of teaching techniques which is recommended and is being used in some schools for all students (Bloom, 1975, 1976, 1981; Block 1971, 1974; Block and Anderson, 1975).

It is debatable whether a condition--school failure--which is so readily addressed through generally applicable teaching techniques is better understood as a student disability or as a teaching error. For the purpose of work with youths already in contact with the juvenile justice system, remedial programs of this type may be in order. In prevention programs, the emphasis would be placed on more widespread use of the more effective teaching practices.

Explanations focused on the socioeconomic level, i.e., the link between lower class status and delinquency, give rise to a number of methodological problems, not the least of which is the difference between the commission of offenses and arrest or conviction for these offenses (see Johnson, 1981, for a detailed discussion of this research and the controversy as to its significance).

Findings to date suggest that the effects of class on delinquency are mediated by other factors that are not constant across time or place. Various authors have mentioned age, sex, family features, and urban and rural differences as possible mediators. What may be more to the point are institutionalized reactions to the visible artifacts of class. Paramount among these for young persons are class-related policies and practices in schools. Variations across communities on this count alone could account for the wide differences in report findings.

An additional body of research has examined the distribution of delinquency behavior by area. In contrast with the findings concerning individual socio-economic status, evidence that delinquency is more prevalent in predominantly lower and working-class neighborhoods has remained relatively free of contradiction.* In at least one instance, findings from the same study included both of the following: (1) the incidence of delinquency behavior was significantly higher in low-status areas, and (2) there were no significant differences in delinquent behavior by individual social class.** From this and similar studies Daniel Glasser concluded that "delinquency is apparently more a function of the average social class level of a neighborhood or school district than of the contrast within the area" (quoted by Strasburg, 1978, p. 60).

There has been a great deal of research on family background and delinquency, although most of it has been retrospective and correlational in nature. Two recurring themes have been an interest in (1) intact vs. broken homes, and (2) the criminal histories of parents as "predictors" of delinquency. Neither of these themes has been supported as a cause of delinquency (see Table 3).

Other approaches which have focused on background or environmental factors include teacher predictions and programs aimed at parents of infants or very young children. Teacher ratings as to which students are likely to become delinquent show some predictive promise (see West and Farrington, 1973; California Youth Authority, 1978). On the other hand, most early identification programs tend to overpredict delinquency, and Gibbons (1970) argues that such negative labeling can impact on self-concept, so that the "prophecy" fulfills itself. Perhaps more to the point in light of contemporary delinquency theories is that teacher expectations can make immediate differences in student opportunity (Good and Brophy, 1978) and thereby influence student's rates of delinquent behavior.

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*See Preventing Delinquency, NIJJDP, 1977, p. 78; and Kassebaum, 1974, pp. 53-59.

**Reported by Clark and Wenninger and cited by Elliott and Voss, 1974, p. 72; and P. C. and J. E. Kratcoski, 1977, pp. 161, 169-170.

A similar argument can be advanced with respect to programs aimed at parents of infants or very young children, if parents are "singled out" for inclusion. These kinds of programs are in turn, a part of the larger concept of family therapy. The success of family therapy programs presents a mixed picture, based upon the type of family treatment involved. Two approaches that do show promise are teaching communication skills to parents (Romig, 1978) and teaching parents social learning techniques as they relate to child discipline (Reid, 1975; Wahler, 1978).

Turning to explanations that apply sociological theory to individuals, one can see that these kinds of programs recognize the need to bring the delinquent, or potential delinquent, into "mainstream" activities and groups. Recreation and supported work programs, based upon this concept, have shown little or no success in reducing delinquency (see Table 3).

Delinquent Behavior and Social Interaction

Differential association theory (Sutherland and Cressey, 1970) depicts delinquency and crime as behavior learned in social interaction, principally within intimate personal groups. Groups transmit definitions of legal codes that vary from favorable to unfavorable, and a person becomes delinquent because of an excess of definitions favoring violation of the law. Because commitment to peers is probably the single most powerful predictor of delinquent behavior, there is strong empirical support for the centerpiece of this theory.*

However, differential association theory does little to answer these critical questions:

-- Why do some young persons, and not others, wind up having frequent, lasting, and intense interaction in delinquent groups?

-- What makes the difference between times when young persons engage in delinquent behavior and times when the same persons obey conventional norms?

Answers to the first question come from labeling, strain, and social control theories (the concepts of these three theories are summarized in Table 4). Schools may inadvertently create delinquent groups by practices that not only negatively label a portion of students, but put those who are similarly labeled together in special classes for "slow learners" or "probable troublemakers." From strain theory comes the conjecture that young persons who are

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*See Elliott and Voss (1974) and Elliott, Ageton, and Canter (1979). The predictive power of exposure to delinquent peers is weak, but that of exposure combined with commitment is very strong.

TABLE 4

CONCEPTS AND SOURCES FOR LABELING, STRAIN, AND BONDING THEORIES

Labeling Theory	Strain Theory	Social Control
If an individual is continually told that he or she is "bad" (troublemaker, delinquent, academically deficient) and differentially treated because of this label, eventually that person comes to believe that label is true and begins acting according to the expectations of others. The labeling process is a social reaction which creates deviance.	There is a strong emphasis on success goals for all in our society, but the legitimate avenues for achieving success are only open to some. As a consequence, those whose opportunities are blocked may seek material success through illegitimate means. People deviate when their desires to conform to the conventional order are frustrated. Anomie and crime result from a disjunction between cultural goals and socially approved means to their attainment.	Most people stay out of trouble most of the time, because they are bonded to the conventional norms of society through their affiliations with a variety of entities. The weakening, breakdown, or absence of effective social control accounts for juvenile delinquency. Social control results from bonds with society. The elements of this bond are attachment, commitment, involvement, and belief; the units of control include the family, school, work and the community.
References:		
Lemert (1976) Wertham (1969) Becker (1969)	Merton (1938) Cohen (1955) Cloward and Ohlin (1960)	Nye (1958) Reckless (1956, 1961) Hirschi (1969)

similarly blocked in legitimate opportunity may flock together not only for company in their misery, but also because a gang may be the only source of illegitimate opportunity (Cloward and Ohlin, 1960, pp. 145-148). Bonding theorists contend that membership in gangs and heightened susceptibility to their influences are consequences of a breakdown in conventional affiliations.

A response to the second question comes from Hirschi (1969), who suggests that such attachments are relatively fluid. Another response is provided by Matza (1964), who proposes an alternative conceptualization to differential association theory. He suggests that peer group interaction, at times, creates a situational and fleeting climate in which delinquent behavior becomes acceptable. When coupled with a "driving force" (e.g., a sense of powerlessness or mood of fatalism on the part of individuals), offenses will be committed.

The relationship between delinquent behavior and involvement with delinquent peers appears to be reciprocal. Having already engaged in delinquent behavior, a young person is more likely to associate with delinquent peers and, in some localities, to join a delinquent gang. Having weakened conventional attachments, the person is likely to become more committed to peers. The associations and heightened commitment, in turn, increase the probability of further delinquency. The pattern that emerges is one of alienation from school and home, followed by misconduct and increased interaction with and commitment to delinquent peers, followed by more delinquent behavior.

Programs seeking to reduce delinquency by affecting social interaction include: direct intervention into groups (detached gang worker programs); the assembly of temporary groups for therapeutic purposes; the employment of cooperative learning strategies in school classrooms; the use of a multi-ability approach to instruction; the creation of task-oriented peer groups outside the school; and training of teachers, police, parents, and others who have regular contact with young persons in the techniques of effective interaction.

Detached gang worker programs have <u>not</u> been successful (see Table 3). As summarized by Kassebaum (1974), this approach inadvertently strengthens ties among delinquent group members:

> By group programming, arranging activities for gang participation (dances and outings for example), mediating gang disputes, arranging or supervising truces between warring gangs, conferring status on a gang by the presence of a youth worker in its hangout, and a number of similar activities, the program recognizes the gang as an important neighborhood or muncipal entity; it increases the basis of group interaction, providing both occasion and motivation for individuals to orient their conduct in terms of the gang. In so doing, the programs are increasing the cohesiveness of the gang, which in turn, exerts greater group influence toward conformity. With gang cohesiveness increasing, the likelihood of both intergang violence and collective predatory activities increases, as well as the likelihood that police surveillance,

> often suspicious of the detached worker program, will increase; this situation, in turn, drives up the arrest rate for gang members who are being reached by the program (Kassebaum, 1974, p. 155).

Special therapeutic groups have also been ineffective. Beside the generally unsuccessful group counseling programs mentioned previously, Romig (1978) also reviewed the evaluations of eight "community residential programs" that involved relatively continuous guided group contacts in halfway houses, residential centers, and foster homes. In five of the eight programs, treatment subjects had greater subsequent criminal involvement than did control subjects. In two, there were no significant differences between treatment and control subjects, and in one study subjects showed "improved physical, emotional, and intellectual functioning" (Romig, 1978, pp. 149-158).

There are several classroom teaching strategies that have been termed cooperative, or student team learning techniques. The element common to all of the forms is that students work on learning tasks in small groups and receive rewards based on their group's performance, thus partially substituting a cooperative reward structure for a competitive one. Although not intended primarily as prevention strategies, these techniques are of importance here because they have demonstrated the ability to alter peer association preferences (see Slavin, 1980).

Three other approaches--using a multi-ability approach to instruction; creating task-oriented peer groups outside the school; and training teachers, police, parents, and the like, in techniques of effective interaction--show promise, although significant evaluation data are not as yet available. The multi-ability approach to instruction (de-emphasizing the importance of any one skill, such as reading) is a way to expand bonding in the school, and many of the task-oriented peer groups outside of school (neighborhood projects, youth advisory boards, and planning groups) are designed to reduce the feeling of powerlessness, particularly in terms of "conventional" activities.

The interaction training for adults is aimed at helping those who frequently interact with youths to listen better to what young persons say, avoid unnecessary friction in interaction, understand the problems that youngsters are likely to bring with them into classrooms, and move a group toward completion of a task (see Johnson, 1981, for further information on these programs).

Delinquency and the Social Structure

The overall conclusion derived from contemporary theory and research findings is that (1) organizational policies and practices affect interaction patterns, and that (2) these patterns, in turn, affect the behavior of individual youths. Four major schools of thought--labeling and societal reaction theory; subcultural theory; strain and opportunity theories; and social control

theories—and an assessment of their ability to address delinquency prevention are described below.

Labeling and Societal Reaction Theories—The perspective of labeling theory is that once important others designate a person as a "criminal, predelinquent, emotionally disturbed child, potential troublemaker," and such, the person so designated tends to conform to the expectations for deviant behavior that go with the label. The implications with respect to juvenile delinquency relate to the self-fulfilling prophecy for those labelled in schools and elsewhere as troublesome, as well as for those who have officially entered the juvenile justice system.

An overview of evidence over the past 15 years (Gove, 1980) indicates that official labeling by the justice system, the military, or mental health agencies is not a major cause of the development of deviant identities and lifestyles. However, data taken in a survey from ten cities in 1974 indicated that negative labeling by teachers was more strongly associated with delinquency behavior than any other factor, including negative labeling by a parent(s) (Brennan and Huizinga, 1975, p. 351). This suggests that harmful effects do occur under certain conditions. In this case, labeling is destructive when it is related to restricted opportunities in a setting that is prominent in a young person's life (Johnson, 1981).

Subcultural Theory—Subcultural theory identifies the root of delinquent behavior in beliefs and manners among various segments of the population. Although many subcultural differences appear to have been overstated, there is evidence that lower class youths are more likely than middle class youths to have trouble achieving status through legitimate means (NIJJDP, 1977, pp. 65-68). An implication for delinquency prevention is that institutionalized negative reactions to purely superficial subcultural differences should be eliminated, along with other practices in schools that inadvertently breed peer groups where delinquent behavior is reinforced.

Strain and Opportunity Theories—As originally formulated by Robert Merton (1938), strain theory posits that, in our society, the same worthwhile goals tend to be held out as desirable to everyone. This becomes a problem because legitimate avenues for achieving those goals are not open equally to all. The combination of equality of goals and inequality of opportunity regularly makes it impossible for some segments of the population to play by the rules and still get what they want. As a consequence, some people turn to illegimate means to achieve culturally prescribed goals. Cloward and Ohlin (1960) draw upon these concepts to explain lower class gang delinquency, depicting the gang as a source of illegitimate opportunities for success.

Although strain and opportunity theories have helped perpetuate a view of delinquency as mainly a lower class activity, Elliott and Voss (1974) have argued for viewing the gap between aspirations and opportunity as independent of social class; i.e., middle-class youths are just as likely as lower class youths to aspire for more than they can obtain legitimately. Thus, blocked opportunities may appear equally real to members of both classes and lead

persons in their category to resort to illegitimate means to achieve valued goals.

Findings concerning the relationship between blocked opportunities and delinquent behavior have been mixed. Cernkovich (1977) found a positive association between the two; others have found that a gap between goals and available means has explanatory power only in combination with other variables, including delinquent peer pressure.*

The main implication for prevention is to remove institutionalized barriers to opportunity so that educational and occupational access are equalized.

Bonding and Control Theories--Bonding theory maintains that most people stay out of trouble most of the time, because they are bonded to the conventional norms of society through a variety of affiliations. Family, education, religion and the economy are vehicles through which bonds to the moral order are maintained. As long as ties to home, school, church, or workplace remain strong, an individual is likely to conform to the rules.

Hirschi (969) describes four control processes through which conformity is maintained. They are:

1. Commitment--An interest or stake in something valued that misconduct would jeopardize;

2. Attachment to other people--To violate the norm would be to act contrary to the wishes and expectations of others;

3. Involvement--An ongoing investment of time and energy in certain conventional, law-abiding activities;

4. Belief--In the moral validity of the social rules that a young person is asked to obey and in the mechanisms used to enforce these rules.

To promote law-abiding behavior effectively, the four control processes must operate through ties with conventional group and organizational representatives.

A rigorous test of this theory is presently underway.* Early support for the theory comes from Hirschi's study and that of Polk and Schafer (1972).

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*A review of several studies appears in Elliott, Ageton, and Canter (1977). The conclude that "the lack of consistent support for the relationship suggests that failure or anticipated failure constitutes only one possible path to an involvement in delinquency" (p. 8).

*See Section IV-B of this monograph.

Hirschi's data (1969) indicate a significant relationship between the attachment of youths to home and school and respect for the law. Further, lack of respect for the police was related to lack for the law, which in turn was related to law-breaking behavior (Hirschi, 1969, pp. 202-203).

Prominent among factors likely to make bonding difficult for some students are school-sorting practices. Placing students in high or low classrooms or tracks often produces unintended social consequences that extend beyond the immediate learning experience. Polk and Schafter (1972) found that in formally tracked high schools, students in less valued tracks were more likely to fail, more likely to drop out, and more likely to be disruptive in class and to get into trouble with authorities outside the school. These effects persisted even when researchers allowed for differences in socioeconomic backgrounds, IQ's, and past school records.

Teaching practices and other school practices are implicated in delinquency as well, in that some practices are more likely than others to provide success in the school and to contribute to low rates of delinquency. Rutter et al. (1979) found that inner-city schools serving equivalent populations, all characterized by high rates of disorganization and various social and economic problems, nevertheless produced significantly different levels of achievement and delinquency in their student bodies. These differences appeared to be associated with differences in practice among the schools. American studies of effective schools have produced similar findings regarding student achievement (Edmonds, 1978).

In addition to implications for school-sorting practices, implications for delinquency prevention programs include:

-- Improving the images of local law enforcements and juvenile justice; and

-- Broadening the range of ties open to young persons; for example, in employment possibilities that promote personal attachments and involvement.

SELECTING THE BEST APPROACH

Separating those approaches which have demonstrated their effectiveness (or which show promise in doing so) from those which are ineffective is necessary, but not sufficient, to the selection of the best approaches for the prevention of delinquency. The sorting process provides an answer to the first critical question:

-- Is the intervention likely to reduce delinquent behavior?

However, there are three other questions which should be asked as a guide in the choice of cost-effective programs:

— How many youths can be affected; that is, on how large a scale can the intervention be conducted?

— How much will the intervention cost?

— How durable will the results be?

Based upon these criteria, the prevention programs discussed above have been grouped into six categories:

a. Those that should be rejected as having no defensible basis;

b. Those that should be rejected because they represent inappropriate or ineffective implementation of a defensible explanation of delinquency;

c. Those whose merit is highly questionable in light of evidence to date;

d. Those that offer one-time benefits to limited numbers at substantial cost;

e. Those that produce at least short-term benefits for many young persons; and

f. Those with promise of broad and lasting benefits at a moderate, nonrecurring cost.

Programs in each of these six categories are summarized below, with pertinent information in tabular form also presented in Table 5.

— No Defensible Basis: Explanations of delinquent behavior based on presumed personality differences and presumed biological differences have been subject to intense scrutiny and are not supported. On the basis of the evidence individual psychotherapy, group counseling, casework, and other program efforts to apply these explanations should be rejected. In addition, early identification or selection for treatment based on personality test scores, individual socioeconomic level, intact vs. broken homes, or criminal histories of parents is not recommended. All of these factors have been found to have little or no utility in predicting delinquency behavior.

— Inappropriate or Ineffective Implementation of Defensible Explanations: Despite having some plausible theoretical or correlational basis, programs that have repeatedly failed to demonstrate effectiveness in reducing delinquency once they have been tried and evaluated should be rejected. These include behavior modification confined to treatment settings, wilderness programs without follow-up in clients' home communities, most forms of family therapy, recreation programs, employment programs that merely consume time,

detached work in street gangs, and increasing the severity of punishment for transgressions.

— Highly Questionable Based on Evidence to Date: Foremost in this category are inmate encounter programs of the "Scared Straight" variety and early identification of predelinquents based on teacher ratings or judgements. Findings on the encounter programs have been extremely mixed; an implication of the combined findings is that for some young persons the treatment may be not only ineffective but harmful (Finkenaur, 1979; Yarborough, 1979; Langer, 1980; Lewis, 1981).

To date, the evidence on early identification of delinquents by teachers suggests an alternative explanation of the apparent success of these predictions in terms of a self-fulfilling prophecy. The risk of generating more delinquency appears to outweigh any benefits associated with this kind of program.

A third type of program in this category is that which focuses exclusively on parents of infants or very young preschoolers; the assumption that "it's all over" at an early age appears grossly overdrawn in light of the evidence to date.

— One-time Benefits at Substantial Cost per Client: A number of programs show promise for short-term effectiveness for limited numbers of youths. Noncoercive programs to teach parents social learning theory and monitor their use of it have received favorable evaluations. Family programs to improve parents' communication skills, enlarge opportunities for children to make contributions at home, and make expectations and discipline in that setting more consistent also appear worthwhile. Providing individual youths with vocational skills is a way to enhance opportunities for a few, provided that recruitment is nonstigmatizing.

A learning disability remediation program that employed mastery learning strategies in tutoring official delinquents produced at least short-term behavioral improvement for some youths in the program. Those who benefited were those who received no less than 40 to 50 hours of instruction; those who benefited most were those having low pretreatment delinquency scores. Conducted in nonschool settings, this program produced no measurable change in attitudes toward school. The evaluators suggest attachment to the instructor as an individual as a likely contributor to the behavioral improvement.

It is reasonable to suppose that the increased attachment to the instructor is largely a function of success provided by the mastery learning methods used in that program. More widespread use of more effective teaching techniques for all students, or for sizable categories of students presently having less success in school,

would be preferred for primary and secondary prevention programs, respectively.

These approaches offer fast, immediate results on a small scale, but they have two drawbacks:

1. Working with individuals or some groups is costly, even over a short period; when requisite long-term follow-up is added, the cost per client is likely to become prohibitive.

2. Programs targeted on individuals or their families must be repeated endlessly. Even in the unlikely event that everyone in a community could receive the services they need at one point in time, the process still would have to occur perpetually to keep pace with population turnover and maturation.

— Broad and Lasting Benefits at Moderate Cost: The review of contemporary explanations of delinquency and prevention program experiences to date points to selective organizational change as the approach showing the most promise. Compared with one-on-one delivery of treatment, advice, or services, a more cost-effective category of programs is group training of teachers, police, and others in regular contact with youths. The aim of such training is to modify interaction patterns that contribute to alienation and delinquency. When conducted with administrative support from recipient organizations and on a scale to produce peer reinforcement among recipients, this training can set the stage for enduring structural change. It is vital that such initiatives go beyond training to assure that worthy new practices become organizational traditions, supported by all other arrangements in the organization; as idiosyncratic individual preferences, such practices are unlikely to persist in the face of organizational indifference or resistance.

Recommended approaches in this category include a number of school-based programs. Teacher training can be the occasion for encouraging adoption in the classroom of strategies and content likely to affect delinquency behavior by strengthening bonding, altering peer preferences, or reducing students' perceived powerlessness. Cooperative learning techniques, master learning, multi-ability strategies, and law-related education are examples. School programs directed at modifying ability grouping and other school policies that generate inappropriate labeling and systematically rob segments of the student population of opportunities to demonstrate usefulness and competence are also recommended. Such policies make it difficult for some youths to value their affiliation in this arena.

Also recommended are:

1. Programs to modify organizational practices (in schools, justice, and at work) that reflect stereotypical presumptions of undesirable traits among youths having certain socioeconomic, racial or ethnic backgrounds;

2. Programs to improve the images of law enforcement and juvenile justice;

3. Programs to broaden the range of conventional ties available to youths, particularly in the areas of work and community service;

4. "Mainstreaming" of instruction in parenting and other life experiences in schools;

5. Programs designed to reduce youths' perceptions of powerlessness by including youths in the governance and operation of families, schools, and other organized activities;

6. Steps to reduce the flow of derogatory news from school to home or from the juvenile justice system to school.

All of these programs are viewed as addressing more fundamental causes of delinquency than the bulk of efforts targeted on individuals or on group interaction.

TABLE 5

SUMMARY OF DELINQUENCY PREVENTION APPROACHES
BY EFFECTIVENESS AND COST CATEGORIES

No Defensible Base

Identification of delinquency by personality measures and background differences.

Individual psychotherapy, group counseling, casework.

Identification or selection for treatment on the basis of individual socio-economic level, intact or broken homes, criminal history of parents.

Inappropriate or Ineffective Implementation of Defensible Explanations

Behavior modification confined to treatment settings.

Wilderness programs without home community follow-up.

Most forms of family therapy.

Employment programs that do not lead to real job opportunities.

Detached work in street groups.

Increasing the severity of punishment for wrongdoing.

Highly Questionable Based on Evidence to Date

Inmate encounter programs, such as "Scared Straight".

Early identification of delinquents by teachers.

Focusing on parents of infants or very young preschoolers.

One-time Benefits at Substantial Cost per Client

Non-coercive programs to teach parents social learning theory.

Family programs to improve parents communication skills, enlarge opportunities for children to make contributions at home, or make expectations and discipline in that setting more consistent.

Enhance opportunities for individual youth, in a non-stigmatizing way vis à vis vocational skills.

Broad and Lasting Benefits at Moderate Cost

Group training in interaction techniques for teachers, police, and others who are in regular contact with youths.

Organizational or policy changes in the school to modify ability grouping and other practices that generate negative labeling and reduce opportunity to demonstrate usefulness and competence.

Modification of organizational practices in schools, justice, and world of work that promote negative labeling of youths on the basis of socio-economic, racial or ethnic backgrounds.

Programs to improve the images of law enforcement and juvenile justice.

Work and community service-related programs to broaden the range of conventional ties available to youths.

School instruction in parenting and other life experiences.

Programs to reduce youths' perceptions of powerlessness and to enhance self-esteem, including selecting teaching practices (e.g., cooperative learning techniques, mastery learning multi-ability strategies).

Attempts to reduce derogatory feedback from school to home and from the juvenile justice system to school.

Adoption of more effective teaching practices.

CHAPTER 4

THEORETICAL FRAMEWORK

As previously indicated, the focus of this monograph is on primary (preclusive) and secondary prevention. As such, delinquency prevention refers to activities that have been designed to reduce the incidence of delinquency acts, and that are directed to youths who are not being dealt with as a result of contact with the juvenile justice system. For this purpose, delinquency prevention should address organizational change to preserve youths in a law-abiding status.

A PRACTICAL SYNTHESIS OF DELINQUENCY THEORIES

Programs that effectively prevent juvenile delinquency require a base in empirically supported theories of delinquency. More precisely, primary prevention programs must address the underlying causes of delinquency and be grounded in the best available evidence regarding the effectiveness of delinquency prevention programs. However, the practical question arises as to which of the numerous theoretical and empirical claims about delinquency should form the basis for prevention efforts.

Efforts to reconcile contemporary delinquency theories with each other and with current evidence have identified some common concepts and issues on which to base delinquency prevention programs. A synthesis of several theories has been presented by Elliott, Ageton, and Canter (1979) and by Hawkins and Weis (1980). Elliott , Ageton and Canter have proposed a "strain-control paradigm"; and Hawkins and Weis have constructed a "social development model."

The strain-control paradigm synthesizes strain-control, social learning and labeling theories. Predicated on the presence of strong bonds or weak bonds in early socialization, it traces two main paths to delinquent behavior:

- Path I--initially strong bonds are weakened by factors such as "failure in conventional contexts" and "negative labeling experiences," which lead to involvement in delinquent peer groups and often delinquent behavior;

- Path 2--Begins with initially weak bonds which remain that way--because of a disorganized social environment, failure experiences, and negative labeling--again leading to probable involvement with

delinquent peers and an increased probability of delinquent behavior.

Conversely, when there are initially strong bonds from early socialization, made up of high integration with the family and high commitment to family activities, and when these bonds are maintained in well-organized settings which provide success, positive labeling, increasing integration into conventional activities, and an increasing personal commitment to those activities, then youths are likely to associate with conventional (law-abiding) peers and present a low probability of engaging in patterns of delinquent behavior.

The social development model constitutes a synthesis of social control and social learning theories. The model specifies that social development is a process through which the primary units of socialization--families, schools, and peers- sequentially influence the behavior of a developing individual. Three independent variables influence youths toward law-abiding behavior and away from delinquent activity: (1) opportunities for involvement in conforming activities; (2) skills necessary for being involved successfully; and (3) consistent expectations and rewards for participation.

Based upon concepts of the strain-control paradigm and the social development model, a practical synthesis of delinquency prevention theories is expressed in Figure 1.* The intent of this formulation is to present the key concepts in a manner that suggests intervention points and strategies. Relationships among several contextual, independent, intervening, and dependent variables are suggested. Each variable is accompanied by operational questions intended to promote exploration of the characteristics and necessary conditions for achieving a desirable impact on youths' behavior. That is, program designs for delinquency prevention tend to answer these questions in some detail.

The pathway shown proceeds from the independent variables of opportunity/integration, skill/success, and reinforcement/labeling through the intervening variables of peer group formation and psychological bonding to either delinquent or conforming behavior. The effect of the independent variables is mediated by the degree of organization within the environment and socio-demographic status (contextual variables).

Weis and Hawkins (1979) describe the concepts of opportunity, skill, and reinforcement as follows:

-- Opportunities for involvement in conventional activities are necessary structural conditions for the development of a commitment.

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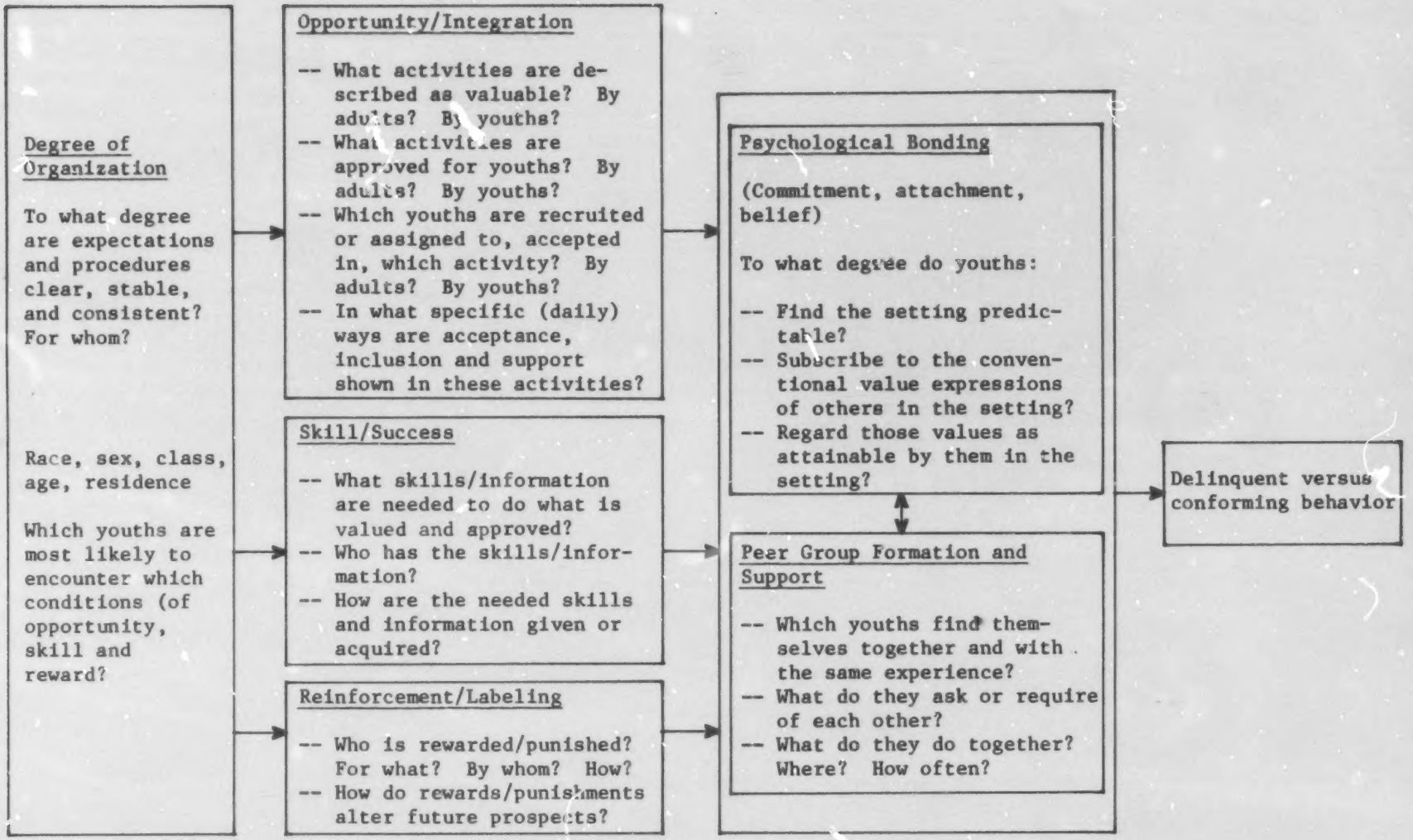
*It should be emphasized that the relationships presented are not in any way an attempt to refine the major syntheses developed by Elliott, Ageton, and Canter (1979) or Hawkins and Weis (1980). Rather, this formulation attempts to interpret mainstream theories from a strategic point of view.

FIGURE 1: A PRACTICAL EXPRESSION OF DELINQUENCY THEORIES


Degree of Organization
To what degree are expectations and procedures clear, stable, and consistent? For whom?
Race, sex, class, age, residence
Which youths are most likely to encounter which conditions (of opportunity, skill and reward?
Opportunity/Integration
-- What activities are described as valuable? By adults? By youths?
-- What activities are approved for youths? By adults? By youths?
-- Which youths are recruited or assigned to, accepted in, which activity? By adults? By youths?
-- In what specific (daily) ways are acceptance, inclusion and support shown in these activities?
Skill/Success
-- What skills/information are needed to do what is valued and approved?
-- Who has the skills/information?
-- How are the needed skills and information given or acquired?
Reinforcement/Labeling
-- Who is rewarded/punished? For what? By whom? How?
-- How do rewards/punishments alter future prospects?
Psychological Bonding
(Commitment, attachment, belief)
To what degree do youths:
-- Find the setting predictable?
-- Subscribe to the conventional value expressions of others in the setting?
-- Regard those values as attainable by them in the setting?
Peer Group Formation and Support
-- Which youths find themselves together and with the same experience?
-- What do they ask or require of each other?
-- What do they do together? Where? How often?
Delinquent versus conforming behavior

-- Skills must be possessed by both youthful participants and by others (such as parents or teachers) with whom youths are involved.

-- Different actors in youths' social environments must be consistent in their expectations for and responses to behavior if conforming behavior is to be continually reinforced.

Elliott, Ageton, and Canter (1979) identify three factors which can strengthen or weaken bonds:

-- Increasing integration vs. social isolation,

-- Success or failure in conventional contexts, and

-- Positive or negative labeling experiences.

These factors are paired with the concepts of opportunity, skill, and reinforcement to form the independent variables described in Figure 1.

The degree to which overall social settings are "organized" or "disorganized" can mediate the effects of these independent variables in such a way as to enhance or attenuate bonding (Elliott, Ageton, and Canter, 1979). For example:

-- Opportunities are less discernible and less reliable in settings that are disorganized. One day there's a job, and the next there isn't, or the definition of the job shifts.

-- When settings are disorganized, there is less assurance and less chance of attaining needed skills and information; e.g., disorganized teachers have difficulty making their expectations for performance clear, and they will be inconsistent in providing the necessary instruction.

-- When settings are disorganized, reinforcements are less likely to be consistent. Rules are often seen as whimsical or arbitrary, promoting disbelief in their validity.

In general, the more organized the setting, the more influential become the variables of opportunity, skill, and reinforcement. The less organized the setting, the less impact they will have.

The organization of opportunity and integration, skill and success, reinforcement and labeling are the direct objects of delinquency prevention programs. For the most part, these are organizational variables which can be altered by organizational change. Through them, influence is exerted on peer group formation and psychological bonding and, thus, on delinquent behavior.

An example of these theoretical principles in an applied sense is described below.

ONE APPLICATION OF THE THEORY

Late in 1979, the Office of Juvenile Justice and Delinquency Prevention established the Delinquency Prevention/School Enhancement Research and Development Program. The Formula Grants and Technical Assistance Division is supporting this program in seven junior high schools in six different communities that range in size from Brooklyn, New York to Bangor, Maine.* NIJJDP, through its National Center for the Assessment of Delinquent Behavior and Its Prevention at the University of Washington, is supporting similar work in a number of schools in Seattle and conducting the evaluation of initiatives in all of the schools.

Briefly, the concept of the School Enhancement Research and Development Program is that, if school opportunity is increased, if the skill to use that opportunity is cultivated, and if consistent and fair rewards and punishments accompany performance, then a bond will form between students, teachers, and the school at large, the formation of law-breaking peer groups will be reduced, and delinquent behavior will be decreased (see Figure 2). Other program objectives are to:

- -- Increase faculty collaboration,
- -- Enhance the relevance of basic subjects to the world of work,
- -- Improve academic achievement and success in school,
- -- Decrease discipline problems in the classroom, and
- -- Lower truancy, suspension, and dropout rates.

These goals are to be accomplished through six related activities within an evaluation research design which will permit a rigorous test of effectiveness. The six activities are:

1. School-within-a-School—Reorganization of the school into smaller units to promote a more intimate environment in which more persons get to know one another;

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*The Westinghouse National Issues Center guides and supports this program through the Delinquency Prevention and Technical Assistance Project.

2. Management of Change--Administrative support to foster faculty, student and parent collaboration and manage the process of changing teaching practices;

3. Orienting the Curriculum to Work--Increased student involvement in the practical application of their studies to the world of work;

4. Methods of Instruction--Realistic opportunities for more students to gain and be rewarded for competence, using such techniques as master learning and student team or cooperative learning;

5. Social Skills and Student Involvement--Opportunities to develop interpersonal skills and successfully participate in group activities, including those which involve decisionmaking about classroom and school operations;

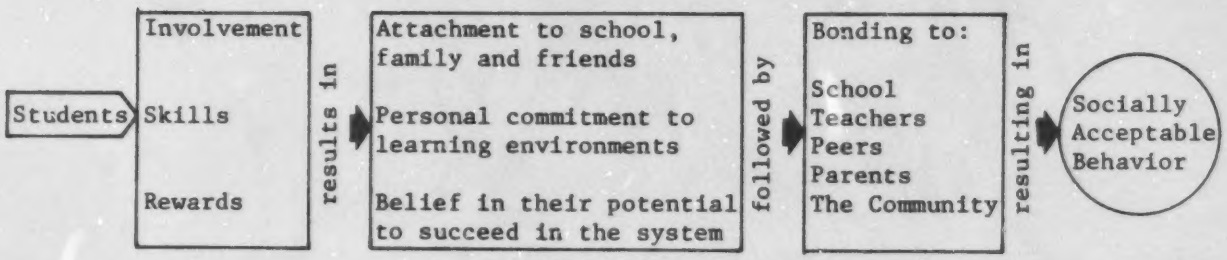
6. School-Family Relations--Home/school liaison activities to increase positive communication and consistency between parents and teachers.

Although it is too soon to assess the effectiveness of the School Enhancement Program in promoting law-abiding behavior, the program has been designed for rigorous evaluation. Faculty, students and counselors have been randomly assigned to "experimental" and "control" groups, and delinquency rates will be tracked.

Teachers are implementing new practices in the school and collaboration among the staff has increased. Larger school arrangements, such as student assignment routines, have been changed. Because organizational change rather than solely individual change is the objective, and because the school is an institution critical to the development and experiences of youths, the program has the potential for large-scale and lasting impact.

The theoretical framework described in this section is equally relevant to other settings, including families, neighborhoods, and work opportunities. A number of possible designs and strategies are discussed in Appendix B.

FIGURE 2: DEVELOPING CONVENTIONAL TIES THROUGH THE SCHOOL ENHANCEMENT R&D PROGRAM



CHAPTER 5

TECHNICAL ASSISTANCE FOR DELINQUENCY PREVENTION INITIATIVES

The Formula Grants and Technical Assistance Division of OJJDP has consistently given priority to assisting efforts that (1) have a strong theoretical base, and (2) show promise for advancing the state of practice. The previous chapters outlined a theoretical model that postulates why some young people get into trouble and why many get into trouble only rarely. In Chapter 4, the strategy of organizational change was explored. This strategy, which emphasizes working through institutions that have prevention as a secondary goal, has high primary prevention potential and the ability to persistently reach large numbers of youths. Organizational change is considered to be the most promising and cost-effective strategy possible on the basis of current state of the art findings.

Organizational change strategies represent the cornerstone of FGTAD criteria for funding technical assistance requests. These strategies require initiatives grounded in schools, work, families, and neighborhoods. Such strategies involve a reordering of the ways in which institutions (e.g., schools) operate in providing services that fall within their mandate and community responsibility. The emphasis is on changing the attitudes management, and practice of service delivery within community organizations.

This chapter focuses on organizational change strategies from the point of view of technical assistance recipients. Technical assistance requests will be ranked by the criteria presented below. Requests most likely to fulfill these criteria will have the highest probability of approval. The criteria have been devised to assist Formula Grants and Technical Assistance Division staff to select initiatives on the basis of their promise for reducing delinquency, their potential for influencing a large number of youths, and their potential for producing durable results.

CRITERIA FOR TECHNICAL ASSISTANCE

The Formula Grants and Technical Assistance Division of OJJDP has established seven criteria for prevention programming. These criteria relate to the theoretical base of the proposed prevention initiative and to the capacity of the requestor to organize and maintain a meaningful intervention. To qualify for technical assistance prospective recipients must meet all or most of these criteria.*

The seven criteria are:

- -- Fidelity to the organizational change model,
- -- Commitment by key decisionmakers,
- -- Knowledgeable and committed constituencies,
- -- Adequate planning time,
- -- Evidence of adequate local resources,
- -- Evaluation support for the initiative,
- -- A sufficient number of program participants to demonstrate impact.

Each of these criteria is discussed in the following subsections.

Fidelity to the Organizational Change Model

Local initiatives must focus on organizational change, operating through the institutions of school, work, family, and neighborhood in order to bond a young person to conventional norms and society. This is the most important criterion that the FGTAD will use in evaluating requests for technical assistance.

There are four variables or components postulated to lead to bonding. Although Chapter 4 contains a summary of these components, they are so important in the design of organizational change strategies that a description of each is included below.

- -- Opportunities for youths to be involved in conventional activities: These opportunities must be perceived by both adults and youths to be valuable, appropriate and acceptable for youths. To what extent can the institution's staff generate such opportunities for as many youths as possible? For example, youth work programs should be designed to furnish jobs that youths and adults believe to be meaningful for future, more permanent work opportunities. One of the major criticisms of youth work programs is that they often fail to provide such conditions, instead creating

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*Requests for technical assistance should be directed to the Formula Grants and Technical Assistance Division, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW, Washington, DC 20531, 202/724-5914.

"make-work" or "nonwork" situations which everyone perceives to be relatively meaningless in preparing youths for future job opportunities.

-- Skills necessary to be involved successfully in conventional activities: If youths are to be successful, they must be able to acquire the necessary skills to participate effectively in the conventional activities of our society. Clearly, opportunities and the skills to take advantage of these opportunities are closely linked. Providing a meaningful work opportunity for a young person will not be effective, unless the youngster possesses the minimum skills to participate. Using a job-related example, creating temporary clerical slots must be accompanied by skill development that allows young people to perform their job responsibilities in an adequate manner. As another example, if youths are to be given the opportunity to serve as board members of a community agency, they must first be provided with skills needed to effectivey fulfill the policymaking responsibilities of all board members. It should be remembered that adults often, as well, need training to interact effectively with youths who are moving into new opportunities. For example, social and communication skills training may be necessary for youths and adults who will be required to work together as board members.

In addition to pointing out that opportunities are useless without skills (and vice versa), it is important to recognize that there are better and worse ways of developing skills. For example, in mastering any new learning (classroom subject matter, job activities), the use of a task analysis will identify skills that should have been acquired previously, but were not; building in a formative evaluation as part of the skill development activity will provide the participants with timely feedback about their progress, thereby speeding the acquisition of skills.

-- Reinforcement for conforming behavior must be consistent. The rules and requirements for socially acceptable behavior must be perceived by youths as fair and enforced without partiality. Adults are in the best position to provide consistent rewards and punishments. For example, the discipline code of a school may be very fair, but if carried out inconsistently or prejudicially, students will quickly understand what is happening and begin to believe that these rules are whimsical, arbitrary, and nonvalid.

-- Organized settings enhance the effects of opportunity, skills, and reinforcement. The less organized a setting, the less the impact of these elements. Organized settings generally contain uniform policies, practices, and procedures which, in turn, produce long-term, stable opportunities, constant skills building, and consistent reinforcement. This can be applied to small social units such as a

family, or large amorphous units, such as neighborhoods. The more disorganized the social unit, the less likely that youths will be bonded to the conventional norms of our society.

Priority will be given to organizational change initiatives based on schools, then work, followed by family and neighborhood programs. The rationale for this prioritization is based on the potential for short-term impact and for advancing the state of the art of delinquency prevention programs. More is known about school-based programs; the next most extensive data base is on work-related programs. Relatively less is known about family and neighborhood-based organizational change programs.

Examples of programs which involve organizational change in school, work, family, and neighborhoods are presented in Appendix B of this monograph.

Commitment by Key Decisionmakers

Appropriate political and administrative support must be secured. In the past, FGTAD staff have found that technical assistance without this type of support has been relative ineffective. Therefore, the involvement and support of local policymakers and decisionmakers have been established as a key criterion for technical assistance approval.

Currently, most local delinquency prevention programs are direct service programs, not organizational change efforts. A significant shift in emphasis from direct remediation to organizational improvement is unlikely to occur without the leadership of local administrators, decisionmakers, and others in positions of power. Generating this willingness is often the most difficult phase of implementing any organizational change strategy. Especially when the necessary funds come from outside the community, it is politically easier to create a new program than to call for significant change--even rather selective change--in existing organizations such as schools. Politically, it is also much easier to defend a program that renders direct services than an effort that focuses on organizational change. Part of the reason for this bias is that client counts are often stressed by funding sources in lieu of rigorous assessments of effectiveness. Client counts are more visible, and are usually targeted toward potential or identified delinquent youths. Decisionmakers face a choice between a range of familiar direct-service options that are more easly promoted, but which provide little durable benefit and may be of doubtful effectiveness, given the evaluations to date, or a set of less familiar, but more promising, organizational change options that are as yet largely untested and which make stringent demands for leadership. This leadership will require the certain risk-taking that comes from shifting resources from direct-service programs to organizational change strategies, or from applying outside funds to promote organizational change strategies rather than direct service programs.

But unless this type of support is demonstrably present from decisionmakers, especially if they are in charge of an institution (e.g., the principal of a school), organizational change strategies will not be successfully implemented. When key decisionmakers are committed to organizational change efforts within their institutions, implementation of these strategies will proceed more rapidly and effectively. Token support or active resistance will invariably produce a failure of implementation.*

To summarize, selected organizational change is most likely to occur in the presence of consistent and increasingly specific political and administrative leadership. Employing the organizational change options will require some boldness on the part of the leaders and support for experimentation from those who sustain them. This leadership is most likely to emerge when one or more of the following conditions are present:

-- When the local initiative addresses important, widely recognized and related problems. Examples include:

    the complex of school failure, school disruption, truancy, and delinquency;

    the complex of limited job opportunities, poor job preparation and performance, and job-related crime;

    the complex of neighborhood degeneration or disorganization, police-community relations, school-community relations, and residential crime;

    the complex of latch-key kids, after-school crime, and youth associations' need for members;

-- When the relatedness of these problems is recognized by and produces a constituency for action (e.g., teachers and staff of a school building; a neighborhood parent's group);

-- When other direct service options can be shown to be sufficiently unpromising, inappropriately narrow, and prohibitively costly as delinquency prevention strategies, the net result being a failure to satisfy the constituency;

-- When the leader can call on an organized core of followers or staff to take early action in develping and implementing an initiative; and

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*A forthcoming OJJDP publication, entitled "Managing School Change for Delinquency Prevention" (Donnelly and Bird), will address the importance of principal support for managing change in schools.

— When the option or initiative is sufficiently plausible to hold the promise of getting famous for dealing in a new way with a previously intractable problem.

Knowledgeable and Committed Constituencies

Local proponents of organizational change must be highly knowledgeable, motivated and committed to an effort that may take up to three years before yielding results. The development and implementation of a comprehensive organizational change effort may require at least a year, and probably more time, in planning and preparation.* In the School Enhancement Research and Demonstration Project (cited at the end of Chapter 4), teachers and administrators spent an entire year in planning their organizational change strategies, improving their skills to manage and practice these changes, and setting up an evaluation design that could document the results of their efforts. After all of this intensive preparation, the schools still had to go through a transition phase in which new classroom and schoolwide practices were installed in place of prior practices. Consistent implementation of the new practices actually began to surface in the second and third years of the project. As was noted before, organizational change takes time, and there should be the full expectation on the part of decisionmakers and participants that the process will require equally healthy doses of effort, patience, and equanimity from everyone concerned. The time frame for the development and implementation of organizational change strategies will vary as a function of the strategy and level of effort. Local organizations should probably "think small" when embarking on an effort to change their practices. In the long run, it will probably be more effective to start with a neighborhood school, employer, parent's group, or service provider and expand as the organization is able to more comprehensively implement its strategies. This approach will also enable organizations to develop a good evaluation design which is a critical part of any organizational change effort.

To summarize, both for economy's sake and to avoid unnecessary difficulties, the organizational change should be made precisely and with due consideration of other parts and procedures of the organization that that will be affected. In this context, adequate planning and preparation prior to implementation are essential.

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*See Managing School Change for Delinquency Prevention" (Donnelly and Bird), to be published in 1983.

Evidence of Adequate Local Resources

Local resources must come first with federal support playing a supplementary role. Local organizations cannot afford to repeat the mistakes of past federal efforts in which large amounts of dollars and excessive administrative influence were used to establish grant programs that disappeared with the termination of government resources. Massive federal assistance in the development of new program ideas invaribly eliminates a local community's ability to control the direction and content of the resulting program. It is not surprising that most communities do not claim ownership of such programs. Nor should they, for they have had no investment in the development and implementation of efforts that should rightfully be under their control.

Organizational change strategies should be undertaken with the understanding that outside assistance will be limited. For this reason, it is important for practitioners to identify and secure available local resources that could be used to support an organizational change strategy. For instance, there may be a local resource center that can provide some kind of training on a particular aspect of an initiative (e.g., John Hopkins University provides excellent training on Student Team Learning, a critical component of the School Enhancement Project described in Chapter 4). Another strategy is to secure documents, books, or other written resources that describe how to develop and implement an initiative.*

To summarize, in order to reduce dependence and disruption and to increase the probability that implemented changes will endure, state and federal discretionary grants will be used sparingly and devoted almost exclusively to temporary costs of change.

Evaluation Support for the Initiative

Evaluation must be built into the program design. As a matter of political strategy, defining an organizational change initiative as a test may increase support for, or reduce resistance to, the initiative. Most of the difficulties of conducting an adequate evaluation can be dealt with satisfactorily

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*Several publications addressing this issue have been developed for OJJDP by Westinghouse and are available from OJJDP at no cost. These publications include: Delinquency Prevention: Theories and Strategies, 1981; A Guide for Delinquency Prevention Programs Based in School Activities: A Working Paper, 1980; Delinquency Prevention: Selective Organizational Change in the School, 1981; A Guide for the Delinquency Prevention Programs Based in Work and Community Service Activities: A Working Paper, 1979; and Improving the Quality of Youth Work: A Strategy for Delinquency Prevention, 1981.

if competent researchers are involved as partners in the planning from the beginning, so that the research design and program design can be integrated.

It is also important to recognize that there are affirmative benefits of evaluating organizational change approaches. Some of these benefits are listed below:

- The strategies described in this monograph are promising, but largely untested for their effect on delinquent behavior. Confirmation of their effect is imperative if local decisionmakers are to continue to provide support.

- The general absence of evaluation slows down the learning and knowledge development of effective delinquency prevention strategies. Also, program refinements cannot be implemented without good evaluations.

- Organizations with rigorous evaluation designs of their programs have a great advantage in competing for attention and resources.

- Local dollars can be saved if organizational change strategies can be proved to be effective. Ineffective direct-service options can be phased out in favor of the more inexpensive organizational change options.

A Sufficient Number of Programs Participants to Demonstrate Impact

Each organizational change initiative should be based on some evidence that indicates it is feasible on a scale required for effective delinquency prevention. Local practitioners will have to refer to the research and professional literature for confirmation that the selected initiatives can be practically implemented on a large enough scale to demonstrate an impact on delinquency. To a degree, this will depend on the level of local political and technical support from key decisionmakers, the size and number of institutions involved, and the length of time allotted to the preparation, development, and implementation phases of the initiative. Equally important, enough heterogeneous youths need to be involved in the initiative and in a noninitiative comparison group to adequately test the impact of the initiative. Appropriate numbers of youths in each group should be determined when the evaluation design is developed. Under research conditions, both groups should contain no less than 30 youths if a large effect is expected. If small differences are expected, each group should contain 75 to 100 youths. The conservative research approach would dictate that the larger groups should be used, especially with so little evaluation data available on organizational change initiatives. From a political perspective, however, the initiative should probably involve much larger numbers than the research minimums. Demonstrating the feasibility of the initiative to local decisionmakers will

be more likely when relatively large numbers of youths are involved.

GUIDELINES FOR APPROVING TECHNICAL ASSISTANCE REQUESTS

This section outlines the general guidelines and procedures that will be used by the FGTAD staff in reviewing and approving all requests for technical assistance. The section also contains a description of the modes of technical assistance that area available, and the guidelines that will be employed by the FGTAD staff in determining which mode(s) will best help the recipient of the technical assistance.

Guidelines for Reviewing and Approving Technical Assistance Requests

The guidelines described below are not meant to be inclusive, but are illustrative of the procedures to be used by the FGTAD staff in determining which technical assistance requests will be granted. The guidelines are rigorous and are designed to identify those state and local organizations that are seriously committed to developing sound delinquency prevention efforts in their communities. The guidelines follow:

All requests for technical will be reviewed to determine how well they match the seven criteria listed in the first section of this chapter. The review will concentrate initially on how well the local prevention initiative conforms to the organizational change model described in Chapter 4. Fidelity of the local initiative to this model will be a nonnegotiable criterion. Appendix B contains examples of program initiatives that are based on this model, and local organizations may want to review these examples carefully to determine whether their initiative is equivalent. The other six criteria are also very important, but there may be certain local conditions that will require temporary or minor modifications. If this is the case, the local organization will need to be very explicit about the reasons for the modifications, and these reasons should be clearly outlined in the request for technical assistance. If modifications are required, the local organization should first check with the FGTAD staff regarding the validity of the changes prior to submitting the technical assistance request. The changes may appear reasonable to local representatives, but may not be acceptable to the FGTAD staff. An example of an appropriate modification might be the submission of a detailed plan to secure local funding for the prevention initiative in lieu of a demonstration of current funding availability.

After determining the appropriateness of the request for technical assistance, the FGTAD staff will conduct follow-up procedures to determine the accuracy and validity of the information contained in each

request. These procedures might include: detailed telephone consultations with the staff of the request agency, decisionmakers in the local community, and local funding sources; site visits to interview local representatives, youths, and residents; and independent research to determine the impact of the proposed delinquency prevention initiatives. The intent of this guideline is to provide multiple indicators of the potential for the local organization to develop and maintain a serious prevention initiative. A well-written and valid request for technical assistance will have to correspond to the information collected from the interviews, site visits, and research.

Another important consideration will be the potential impact of the proposed initiative in preventing juvenile delinquency—not just from the perspective of reaching large numbers of youths (one of the seven criteria), but from the perspective of how easily the initiative could be adapted by other states and local communities. Factors affecting this generalizing capability might include cost effectiveness and applicability to similar institutions (e.g., schools and neighborhoods). A further consideration will be the potential of the prevention initiative to serve as a major advance in the state of the art of delinquency prevention efforts.

Technical assistance for approved requests will represent a major investment of resources by FGTAD. Because of this, the FGTAD staff will be monitoring the progress of the local initiative at regular intervals. Acceptance of the technical assistance resources will also require an acceptance of exacting monitoring procedures by FGTAD. Each approved request for technical assistance will be translated into a detailed work plan which will serve as a contract between FGTAD and the local organization. This work plan will be reviewed every six months for compliance by the local organization, and continuation of technical assistance resources will be contingent upon satisfactory progress by the local organization. FGTAD will also monitor how well the local organization has maintained its commitments to the seven criteria described earlier in this chapter. Deviations from these criteria will be grounds for termination of the technical assistance.

The above guidelines should be kept in mind when a local organization is considering and preparing a technical assistance request for delinquency prevention initiatives. Organizations that meet the seven criteria and are reasonably confident that they will pass the comprehensive review process should submit their requests. If there is some question about the criteria or the review process, the organization should seek clarification from the FGTAD staff.*

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*All requests for information regarding the seven criteria and the review procedures should be submitted to Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue NW, Washington, DC 20531, 202/724-5914.

Modes of Technical Assistance

Through its technical assistance contractors, FGTAD is able to provide several different modes of technical assistance. These are described below:

Correspondence and Documentation--The research and literature in the delinquency prevention field are extensive and complex. In designing a prevention initiative, local organizations may well wish to have access to these resources, or they may wish to have written responses to problems that are uniquely their own. In each case, requests for technical assistance can be submitted to FGTAD and based on the potential of the proposed initiative, appropriate correspondence and documentation will be supplied. These forms of assistance will also likely be the first stage of most technical assistance assignments.

Support for National Organizations--There are many influential private and public institutions and foundations that may wish to invest their resources in organizational change initiatives. Marrying their resources with the technical assistance capabilities of FGTAD will produce a combined impact that will be much greater than the application of either group's resources taken alone. Local organizations that have direct lines of communication with both the national organizations (e.g., by virtue of membership) and FGTAD could broker their connections into a major application of the combined resources to support community delinquency prevention initiatives. Conversely, national organizations could approach FGTAD to design a joint effort aimed at improving local delinquency prevention initiatives among their constituencies. The primary focus of this technical assistance mode will be through a formal relationship between FGTAD and the national organization.

Support for State Personnel--Over the past several years, a number of states have taken a strong lead in promoting and developing organizational change approaches to delinquency prevention.* FGTAD will continue to support these efforts and will encourage other states to become involved. Within this context, technical assistance will be directed toward assisting state personnel who can demonstrate the leadership and capability to develop and maintain local organizational change initiatives. The intent of FGTAD is to combine its technical assistance capabilities with state funding and personnel capabilities to

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*For a more comprehensive description of the State Initiatives Program which has been in operation for four years and has focused on encouraging states to advance the practice of delinquency prevention in local communities, contact the Westinghouse National Issues Center, PO Box 866, American City Building, Columbia, MD 21044, 301/992-0066.

magnify the effect of the combined pool of resources. This relationship would be similar to the one described above for support of national organizations, except that the focus would be at the state rather than at the national level. Technical assistance to local organizations will not ordinarily occur within this mode, unless the combined resources are used to support a highly promising and rigorous test of an organizational change initiative.

Direct Technical Assistance to Local Communities--Whenever a local community can produce a delinquency prevention initiative that conforms to the seven criteria outlined in this chapter, FGTAD could support the effort with a number of difference technical assistance strategies. These include:

-- Correspondence and documentation: This technical assistance activity involves the provision of information assistance through written materials, publications, and research findings.

-- Onsite technical assistance: This form of technical assistance includes the provision of technical advice, expertise,and knowledge through onsite consultation or training by an individual or team. This type of assistance is highly site-specific and applied in only the most promising program situations.

-- Cluster technical assistance: This approach has proven to be a valuable method for providing technical assistance to local communities whose technical assistance needs cluster around such variables as size, geographical location, or program design. As contrasted with training seminars, workshops, or conferences, cluster meetings give project personnel with similar interests an opportunity to utilize a collaborative perspective for focusing on a specific set of program problems, findings, or strategies.

SUMMARY

This chapter contains a complete blueprint for local, state and national organizations wishing to request delinquency prevention technical assistance from the Formula Grants and Technical Assistance Division of OJJDP. By designing organizational change initiatives that conform to the criteria listed in this chapter, applicants for technical assistance will be more likely to receive a favorable response from FGTAD. Having qualified for technical assistance, the applicant will have to pass successfully through a rigorous and intensive review process before FGTAD will obligate technical assistance resources. This process has been described in detail. In addition, the modes of technical assistance that will be available to recipients have been outlined in similar detail. To further assist potential technical assistance applicants, an extensive description of program examples

that conform to the organizational change model has been included in Appendix B. These examples are meant to guide rather than determine the nature of the local program initiatives aimed at preventing delinquency. A review of these examples should provide adequate information to potential technical assistance applicants in their efforts to determine whether their prevention initiative is consistent with the theoretical framework and program criteria described in this document.

APPENDIX

EXAMPLES OF INSTITUTION-BASED INITIATIVES

This appendix contains examples of promising delinquency prevention initiatives that conform to the organizatinal change model described in Chapter 4. In each case, there is reasonable evidence--based on research, evaluation, and program findings--that the initiative will strengthen a youth's bond to society, thereby reducing the tendency to commit delinquent acts. The focus is clearly on strengthening those organizations that stand between government and the individual: the school, the employer, the family, and neighborhood structures. The initiatives are not meant to be inclusive, but merely illustrative of the types of programs that states and local organizations should promote in their requests for technical assistance from the Formula Grants and Technical Assistance Division of OJJDP.

I. PREVENTION INITIATIVES FOCUSED ON THE SCHOOL

The selection of school-based delinquency prevention programs as the first set of examples is not accidental. More evidence and research are available about school-based programs than any other area. Therefore, more is known about these programs, and there is an enhanced potential for short-term impact and for advancing the state of the art of delinquency prevention.

Of all the predictors of delinquency, peer group influences are the strongest predictor (Elliott, 1982).* Many youngsters will engage in delinquency, but few will persist without the social support of peers. Strong bonds to family, school, church, or other conventional organizations can insulate a youth from influence by a delinquency-supported peer group. Thus, there is a two-stage proposition: peer influences are the most immediate and powerful variable, but the probability of negative peer influence is a function of bonding to convention. In this sense, schools are important because they are a setting for the formation of delinquent peer groups, and because they are a main conventional activity to which youths can be bonded. Several other important considerations support a concentration on schools. They are the premier arena for developing law-abiding behavior and reducing juvenile crime, because:

— Schools deal with most youths,

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*See Bibliography for references cited.

-- Schools are in the best position to powerfully influence youths and groups of youths,

-- Schools in general are public entities that can be examined and evaluated to a degree possible neither for families nor employers, and

-- Schools or school districts are a relative small number of distinct organized entities.

Schools are the primary focus in the lives of young persons from a rather early age, not solely or even primarily because of the amount of time students spend there, but because schools are the main route to adulthood, the main determiners of a minor's status and future, a main organizer of peer associations, and a focal point for a sociable life. School is children's "work." Their stake, ties, and convictions increasingly reside in the experiences that occur there. Unfortunately, many of our schools are organized to support and encourage two types of students: those with gifted minds, and those with gifted bodies. For the remaining large majority of students who will neither go to college nor pursue a career as an athlete, school is neither a meaningful nor exciting place to be. Under these circumstances, the chances for a child's stake, ties, and convictions to stray from conventional norms to delinquent behavior become must greater. Failure and lack of achievement are natural byproducts of this process.

The School Enhancement Project--an organizational change initiative for preventing delinquency conducted in the junior high grades--is described in Chapter 4. Several other brief examples are noted in a subsequent description of ways to improve the interaction between schools and parents. A more detailed description of these and other initiatives is contained in several publications by OJJDP.* A brief review of organizational change strategies based in school activities is presented below:

1. School climate improvement strategies have become very popular among administrators and teachers in the last five years. Essentially, this approach requires that a principal, teachers, and students go through a standard process of identifying the positive and negative features of their school that contribute to the overall climate for learning and social development. Task forces representing the entire school are formed to determine what is good in their school and ways to build upon it. Because each level of the school is involved, there is more investment and commitment to follow through on the recommendations of the task force. A few examples of the

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*Delinquency Prevention: Selective Organizational Change in the School, revised edition, 1981; and "A Guide for Delinquency Prevention Programs Based in School Activities, A Working Paper," 1980.

process determinants of school climate improvement approaches clearly indicate that opportunities, skills, and reinforcement are integral features. These examples include:

- Problems in the school are recognized and worked on openly by students, teachers, and administrators;
- Pupils and staff know what the school goals are and how they will be improved;
- Students, staff, and administration share in making important decisions about the school;
- Rules are determined cooperatively with students, staff, parents, and administrators;
- The school program extends to settings beyond the school building (Howard, 1978).

Although there have been no rigorous evaluations of the effectiveness of school climate efforts on reducing delinquency, there is enough research and professional literature to support this approach as a promising organizational change effort.* The important considerations in developing school climate improvement programs are to ensure that the staff reviews focus on narrow field for action, that staff participation should be combined with administrative leadership. The situation to avoid would be an increase of staff energy for a short time during which global reviews are produced with substantially little change occurring.

2. "Schools-within-a-School" is concept that refers to the division of a large school into smaller units, which are sometimes called subschools, little schools, pods, clusters, or houses. The more common name for this concept is the house plan or system (Education Resources Information Center, 1980). The house plan is seen as a way of providing for the benefits of a diversity of resources which can be afforded by a large school. This organizational change can range from a subdivision of the educational structure (subdivide students, teachers, guidance counselors, and amdinistrators) to subschools as distinct (decentralize both academic and extracurricular activities, such as student government and sports). This strategy can promote the development of personal relationships and positive student self-identity, the provision of increased attention to the individual pupil, and increased

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*See Howard (1978) in Bibliography for a more detailed discussion of school climate improvement strategies.

opportunities to take initiative, enjoy recognition, and exercise leadership. A net result of this approach will be an increase in the quantity and quality of contacts between students and teachers which, in turn, will lead to greater attachments between students and teachers. Greater attachments can lead to a greater commitment to school and to a greater belief in the value and legitimacy of the educational process.

3. Changing the orientation of the curriculum to include community-based, experiential education activities is another organizational change strategy that can be implemented in schools. Many national panels and organizations have strongly recommended that community-based experiential education become an integral part of the curriculum.* A reorientation of the school curriculum should involve students with teachers as partners in learning and a learning process that will be supported and reinforced not only by the classroom teacher, but by a broad cross-section of mentors and role models in the community. This process should emphasize participation, exploration, and cooperation toward the dual goals of reinforcing academic achievement and initiating commitment to the community's welfare and conventional goals. Three different approaches represent promising ways of implementing this strategy.

   -- Community Service--Some experiential education will occur in the context of viable, student-initiated community improvement projects. These projects could provide a testing ground for developing cognitive and social skills that foster investment and ownership rather than alienation from the community. Service learning may be offered as a separate course, the substance of which could be the study of the community as a cooperative system and career as a medium for contribution. In this course, students could likely pursue individual internships in agencies in the community and meet together weekly to assess their experiences to set personal goals. This approach is very similar to the discussion of organizational change strategies related to reducing the stress factors on families (see Section III following) and could be modified to include parents as meaningful contributors.

   -- Experience-based Career Education--This approach would involve orientation of students to a work experience, preparation by students for the experience, and debriefing/reflection with the

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*The Panel on Youth of the President's Science Advisory Committee (1973); the National Commission on the Reform of Secondary Education (1973); the National Panel on High Schools and Adolescent Education (1976), and the Carnegie Commission (Kerr, 1979).

teacher following the experience. Preparation for each activity would involve the development of life skills such as communication and decisionmaking. The actual activities would require the acquisition and extension of academic skills, such as writing, mathematics, and problem-solving. A particularly promising aspect of this approach is the use of the learning contract. The contract approach is congruent with a learning-partner role for the student; it initiates a shift of responsibility for planning and scheduling from the teacher to the student, and it provides an organizational framework for individual community-based learning experiences. Another approach might be an imaginative course or two that evaluates work and its demands and benefits, and connects a youth's current work experience to future prospects. If the school makes something intellectual out of a work experience, and ties it to the larger world of work which will be accessible later, a youth's work might take on increased future significance.

-- Law-related Education Courses--Such courses have been designed by the Constitutional Rights Foundation, American Street Law Institute, Law in a Free Society, and other legal groups. There are some preliminary evaluation results that they have been effective in instilling an understanding of the law and respect for legal authorities. If these courses are designed for small groups of youths, there will be more of an effect. These courses also present an excellent opportunity for the school to form linkages with a key resource group in the community--the police. Children who are associated with a police officer in the context of a law related education course are more likely to view the officer as a resource rather than a feared "enemy." These courses can be linked with the experience-based career education option described above.

4. Another organizational change possibility in the school is an attempt to introduce systematic changes in classroom instructional practices in order to increase the proportion of students who experience academic success. Such an approach could increase the likelihood that students will develop commitments to skills and attitudes important to future community involvement. A number of approaches that are designed to promote worthwhile opportunities for decisionmaking, skills for successful participation, and rewards for participation are available. These include democratic participation, peer-conducted research, activities boards, and community/school advisory boards, each of which is discussed below.

-- Democratic Participation--This can be taught using a planning curriculum that addresses basic skills through actual decision-making about classroom rules, class projects, locker assignments, and the like.

— Peer-conducted Research—Such research enlists students to help conduct a major project of significance to the school and/or community. Students help construct research instruments, administer these instruments, and determine results. The students are supervised by qualified researchers, but are given maximum freedom to provide input into the structure of the project.

— Activities Boards—Such boards, comprising students, faculty, and administrators, can be established to stimulate creation of new activities by soliciting student and faculty opinion, matching advisory resources to areas of student interest, and providing seed money to launch new programs.

— Community/School Advisory Boards—These boards can be formed to develop tangible, meaningful links between school and community. Students can be given a major role in determining how they will share their school with the community. Possible activities may include special-interest classes taught by community members, community use of school recreational facilities; use of school facillities for lectures, films, plays, and programs; and facilitating "town meetings" on issues of concern to the community. Student ideas could be actively solicited to develop community/school programs and activities that will address student interests and utilize student talents.

5. School/family programs are another promising area for organizational change efforts. Increased consistency between parents' and teachers' educational expectations, communication skills, and problem-solving behavior is likely to result in improved academic achievement and increased attachment and commitment to the education system. There are several ways to increase the consistency with which schools and families respond to young people: home-based reinforcement for school behavior; parent training; family crisis intervention; and parent involvement, each of which is discussed below.

— Home-based Reinforcement for School Behavior—On the basis of teachers' daily reports, parents can reinforce their children's school performance by use of a schedule of graduated rewards and mild punishments. Home/school note systems and parent-provided reinforcement have been used to increase homework completion rates; to increase math, reading, and spelling scores; to reduce truancy; and to control disruptive behavior.

— Parent Training—Research has shown that parents can be trained to change the behavior of their children. Parent training strategies appear to increase bonds of attachment between parents and children. These strategies provide opportunities

for parents to make friends and extend their natural helping networks. Parent effectiveness training (PET) programs and systematic training for effective parents (STEP) programs are two examples of such strategies. These types of parent training could include knowledge building, skill building, and supervised practice discussions of basic child-rearing problems, communication skills, and training in the use of contingency contracts.

-- Family Crisis Intervention--Such intervention may take the form of a behaviorally-based curriculum of communication skills and problem-solving techniques presented to families in an educational and therapeutic setting.

-- Parent Involvement--Parent involvement in the schools can be promoted through parent-teacher aide programs, home-school coordinators who actively solicit parent participation, and school councils comprising teachers, parents and students (PTA's and PTSA's). Together, these groups could work to identify important issues, establish common goals, and collaborate in solving problems related to bonding youths to conventional norms.

In each of the above strategies, two points are crucial. The first is that crime reduction, on any meaningful scale, cannot be approached as an additional activity of the school. It won't work. Substantial efforts toward crime reduction cannot be approached as an additional activity of the school, because basic learning must come first, and the school's resources are undoubtedly already strained. Substantial effects on crime depend on this basic learning as manifest in the performance of students in the conventional classroom. Instead, the approach must be based on strengthening practice within the school and classroom. On this basis, support and resources to act are more likely to be forthcoming from school personnel.

The second point is that immediate gains do not depend upon the discovery of a new or improved school organization and techniques. They have been around for a long time and basically involve an alteration in the way in which students relate to their subject matter, their teachers, and their peers. What is important is that gains do depend on more effective approaches to implementation. The School Enhancement Project is one example of an attempt to develop more effective approaches to implementation.

II. PREVENTION INITIATIVES FOCUSED ON WORK

Following school-based programs, the next most extensive data base is concerned with work-related programs. As such, they represent the second most promising area for developing sound delinquency prevention initiatives. In

the progression of stakes, ties, and beliefs, work follows school for most individuals. In the research of Romig (1978) and Hawkins and Lishner (1981),* there seems to be a strong correlation between reduced delinquency and job opportunities that have meaning, status, and chances for learning and advancement. Youngsters who are able to find jobs with these characteristics are less likely to engage in law-breaking behavior. But the number of meaningfully employed youths is not very large. With many adults out of jobs, they are now competing for slots with young people. Employers have an almost universally negative attitude about the abilities and maturity of young people on the job. To date the most available opportunity for work has been the CETA program which is now being phased out.

Yet, the opportunity for a major impact on reducing delinquency can be developed by forging a realistic partnership between local employers, schools, and families. This appendix describes several strategies that appear to be promising in this regard. A more detailed analysis of this issue is contained in a previously published document by OJJDP.**

Two problems must be addressed in any effort to develop a viable and realistic prevention strategy focused on work: (1) access to work in general, and (2) the quality of work. Many of the major corporations of this nation are now examining the quality of work life as a critical determining factor in productivity. Some corporations have long dealt with worker satisfaction and are now being studied by others. Some corporations are taking new steps to improve the quality of work and are advertising their efforts in connection with quality of their products. The language of these efforts sounds somewhat like the language of stakes, ties, and convictions discussed in this monograph.

The parallels are obvious. Young people who are seeking work are just as interested in the quality of their work life as their elders. Productivity and quality of products (or services) will be in direct proportion to the meaningfulness of their jobs. But most jobs for youths are "make work" efforts that require little or no investment by the youngsters themselves. This is particularly true of the many subsidized youth employment efforts of the past. Dangerous lessons are learned in this context. A youth learns that compensation does not depend on the quality or quantity of work effort; in effect, the youth often gets paid for not working.

If a community is seriously interested in developing work-related prevention strategies, careful attention must be paid to both the accessibility of work opportunities and the quality of these work opportunities. It would probably

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*See Bibliography.

**See Improving the Quality of Youth Work: A Strategy for Delinquency Prevention, 1981.

be best to start out on a very small scale with a few supportive employers, a committed neighborhood school, and interested parents. As the employers experience success in the effort, a controlled growth of the program could take place through expansion to other neighborhoods and schools. It is important to combine school with work, and to make schooling more salient to a changing labor market that is now filled with unemployed adults, women who are seeking second careers, and the elderly who must have jobs to supplement other sources of income. The net effect is that adolescence is being prolonged. This is another factor that argues for more investment of the schools in facilitating the movement of the child from the role of student to that of worker.

III. PREVENTION INITIATIVES FOCUSED ON THE FAMILY

Today's family is under siege from a variety of different sources. Economic conditions virtually demand that both parents must now work. Single parenthood is more and more common, and it is now not unusual to find children raising children (Empey, 1982).* Stress factors associated with our rapidly changing environment are also more likely to disrupt families than in previous years. This is particularly true in our urban areas where families are often isolated and not able to draw upon internal resources or external assistance from society as a whole.

This changing environment has prompted many of America's families to rely less and less on their relatives and close neighbors, and more and more on their own resources and the resources of large institutions. There is little likelihood that this trend will be reversed. In the future, families will continue to function in an environment filled with multiple stresses and strains. Given this, what can be done to reduce these strains?

A large number of these stress factors are produced when families interact with many organizations and institutions in our communities. Clearly, local practitioners should begin to design initiatives that focus on how social institutions can alleviate the stresses and strains on the families they serve. By reducing these stress factors, there is more likelihood that a family's capacity to provide oportunity, skill, and reinforcement will increase. Moreover, many of these institutions can work with families in ways that promote bonding by virtue of the services provided (e.g., after-school activities that concentrate on skill building, while at the same time providing a place for latch-key children). This approach also seems more promising than targetting individual families for assistance because of the high cost factors associated with serving large numbers of individuals and the traditional sense of privacy enjoyed by families in this country.

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*See Bibliography.

Given these considerations, areas that merit attention include: the workplace, school, church, health care organizations, social service agencies, public housing authorities, and other important societal groups. In initiating prevention strategies focused on the family, one should concentrate on a distinct population in a specified area and address that population through one or more of the main institutions with which it deals (e.g., neighborhood school, church, employers, etc.). With these thoughts in mind, there are a number of strategies that could be developed to change the ways in which the local organizations negatively impact on families. Several illustrative strategies designed to reduce stress on families are described below.

1. Blocks and neighborhoods could organize around supporting families. More specifically, stable neighborhood organizations, such as voluntary youth organizations, churches, improvement associations, and others, could provide the needed infrastructure for a variety of initiatives. For example, the block parent concept is rapidly gaining popularity as a modern-day version of the extended family. This concept can prove especially helpful in taking care of latch-key children who are particularly vulnerable to the influence of delinquent peers between 3 and 6 p.m.

   Elliott* (1982) reports that delinquent peer group influence is the strongest predictor of delinquency. Whether a child is likely to get involved in delinquent-support peer groups is largely a function of his involvement and integration with conforming adults, youths, and activities. Block parents, when appropriately screened and trained, can provide a semi-effective buffer to negative peer group contact and some opportunities for young people to become involved with conventional activities. Foster grandparents, kid-sitting co-ops, and voluntary agency latch-key programs are other strategies that can easily be adapted within a neighborhood organization approach. In all of the above cases, the greater the number of adults involved, the more effective the impact on youths in the neighborhood.

   Block parents, foster grandparents, and kid co-ops can operate effectively in schools during the 3-6 p.m. period. Conducting after-school activities in the school will not only provide youths with the opportunity for participation in conventional activities, but could also provide effective skill-building and reinforcement activities. Of course, these activities could be designed to bring parents into closer contact with teachers and school personnel. This, in turn, could lead to strong home/school liaison and increase positive communication and cooperation between teachers and parents.

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*See Bibliography.

2. A variation of the above concept is the notion of community service by young people, especially during the time period between school dismissal and when parents return from work. Instead of block parents, the organizations in a neighborhood could utilize youths as valuable resources. This approach would be particularly appropriate for older youths who are in the transition period between adolescence and working adulthood. Churches, schools, youth agencies, and employers could be organized to collaborate on watching the neighborhood youths through meaningful work or service opportunities.* This approach would require a good of preparation and planning, but could produce a wide range of opportunities, skills, and reinforcements. A particular problem would be in designing service efforts that have a clear potential for developing "salable" skills in youths, especially for the local job market. If youths are convinced that these service opportunities will eventually lead to attractive and meaningful jobs, they will enroll and remain in the program. If not, there are likely to be few, if any, youths who will be involved.** This approach should also be used only when there are enough available youths to conduct a valid evaluation of the program. Under certain conditions, neighborhoods can be utilized as comparisons to test the efficacy of the organizational change approach outlined here. By doing so, local practitioners will have a large enough number of youths in each neighborhood to adequately measure any differences in delinquency activity.

3. Relatively few parents bring their children into their work or can do so. Employers can overcome this difficulty by providing onsite day care facilities, so that parents can be close to their children throughout the day. Another method would be for employers to create flexible working hours to accommodate the needs of families. Beyond this, employers can work actively with schools and parents to design a curriculum that includes work as a major topic of study, augmented by early and continued exposure to work as a field experience. The intent here is to establish an effective partnership among the employer, teacher, and parent so that all can contribute to building and maintaining bonds that are established early, continue through school, and persist as youths enter the work force. Although day care and flexible work hours are positive efforts, more youths will

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*See "A Guide for Delinquency Prevention Programs Based in Work and Community Services Activities: A Working Paper," 1977.

**For a particularly insightful analysis of attracting clients to a program, see "Nonprofits: Check Your Attention to Customers," Harvard Business Review, 1982.

be reached through interactions between employers, parents, and the schools.

4. Schools and families now share the task of rearing children from age six or so. Both find the task complex and subtle. Unfortunately, interactions between schools and families tend to be rare and extraordinary, reserved for parents' nights and problems. But there are many productive ways in which families and schools can interact to bond children to the conventional norms of society. Teachers and parents can be involved in designing the curriculum for the children, not so much to produce a more relevant set of academic topics as to involve the parent more meaningfully in the instruction of the child. Parents have been successfully used as classroom tutors, lecturers (especially about their jobs and work roles), and at-home tutors. Parent-effectiveness courses are often sponsored and held in schools. Some schools are beginning to experiment with the idea of running classes on weekends for both parents and students. The intent of this last strategy is to weld a partnership among the teacher, parent, and child not only in the area of school work but also social development. Parent Teachers Associations and Parent Teacher Student Associations can also be effective in developing organizational change strategies designed to relieve the strains on a family while enhancing the school experience for young people.*

5. Department of Social Services might consider a shift from a casework to an organizing orientation. Resources could be concentrated on strengthening stable neighborhood organizations to support many of the strategies listed above. This proposed shift implies the need for an organizational change in local public social service departments. Critical questions to be answered would include: How much do these departments organize at present, and what would be needed to promote more organizing functions within these departments?

As stated before, these strategies are not meant to be inclusive, but illustrative of an array of ideas that are representative of an organizational change approach to prevention strategies focused on the family.

Note that in each of the five examples, the above strategies did not single out a particular family for assistance, but instead concentrated on the interactions between families and neighborhoods or community organizations. The

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*Westinghouse National Issues Center and the Formula Grants and Technical Assistance Division of OJJDP currently are working with the National PTA to develop joint efforts to encourage local PTA's and PTSA's to become involved in delinquency prevention efforts. For further information, contact the Westinghouse National Issues Center, PO Box 866, Columbia, MD 21044.

adjustments required of these organizations are not expensive or unrealistic. The problem to be addressed is an organizational one that essentially requires a brokering of resources in different ways. This brokering will have to be spread across government agencies, corporations, and human service sectors at the local level.

The concept of brokering, as conceived here, would include several functions:

-- An advocacy function in which an agency would locate, secure, and provide funds and other resources to support the organizational change strategies developed by stable neighborhood organizations;

-- A management function in which administrators in a particular organization would shift funds and resources from direct service prevention operations to organizational change strategies;

-- An information and referral function in which an agency would bring together funding bodies and other groups interested in supporting organizational change initiatives and those organizations that are committed to implementing such strategies.

IV. PREVENTION INITIATIVES FOCUSED ON THE COMMUNITY OR NEIGHBORHOOD

Delinquency is most likely to occur in neighborhoods that are highly disorganized and transient. In disorganized neighborhoods, informal social controls will be less effective, and there will be less ability for parents and other positive role models to provide opportunity, skills, and rewards for children and youths. Additionally, agencies that serve the neighborhood will be less likely to secure opportunities, skills, and rewards for these youths. If this is the case, then it is reasonable to speculate that increased organization of the neighborhood, per se, ought to strengthen informal social controls in general. Specific organization against crime (e.g., block watches) ought to make these informal social controls more pointed; specific organization for the purpose of increasing opportunity, skill, and reward possibilities in agencies that serve the neighborhood ought to be possible; and specific neighborhood organization for various purposes that include youths among the organized ought to increase opportunity, skill, and reward in the neighborhood as such.

It appears that neighborhood efforts require durable anchors in the community's visible and more permanent organizations. One anchor must come from the community in the form of an association of its churches or some other group or organization that enjoys the same degree of influence. A recent interesting development is the use of police officers as neighborhood organizers. Charismatic community development organizations may have particular influence on area youths.

A second anchor would be the school. As suggested earlier, the school is best prepared to mount some of the educational improvements, to explore different school/family relationships and to prepare its curriculum to mesh with the employment needs of the community. School-community councils can be organized that support a variety of parent-teacher projects, incuding parents participating as staff in the classrooms or halls of the schools, as well as in school crisis intervention or in-school suspension programs; and as linkages to the business community.

If a community is interested in pursuing an organizational change strategy involving neighborhoods, the first step would be to enlist the support of a durable anchor agency upon which to build the strategy. Again, it is probably best to begin small, to initiate activities at the neighborhood level rather than attempting a community-wide effort. More control and flexibility are present within a neighborhood effort than in the larger community. Investment and participation by the residents are also more likely in a neighborhood.

Any of the previous strategies outlined in this appendix could be placed within a neighborhood is the location in which to carry out strategies aimed at families, schools, and employers.

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PART III

ALTERNATIVES TO THE JUVENILE JUSTICE SYSTEM

CHAPTER 1

DOCUMENT PROFILE

In this particular document, Alternatives to the Juvenile Justice System, the many alternatives to incarceration in adjudicating instances of juvenile delinquency are articulated. Chapter descriptions are presented below.

Chapter 2 provides a working definition of "community-based alternatives" to ensure a common understanding of terminology among the readership. An historical perspective on the development of this concept then traces how community programs have evolved from isolated reforms to concerted efforts for improving the services of the entire juvenile justice system. From a brief review of selected issues and events over the last 150 years of American social-cultural and judicial history, a number of themes are highlighted that have influenced a recent burgeoning of youth service alternatives. The most important trend that is introduced is the impetus to deinstitutionalize delinquents and deflect status offenders and neglected or abused children to community-based programs. A secondary change is also noted in the shift from reforming individual troubled youths through personally targetted interventions to a focus on improving the social and institutional environments in which all children function. Although the "child savers" of the late 19th Century recognized the importance of the social structure as a contributor to delinquency, the doctrine of parens patriae supported removal of affected youths from negative surroundings instead of activities to alter that environment. The Chicago Area Project of the 1930's was one of the earliest community-based experiments to attempt institutional reforms, but it was not until the 1960's, when the federal role in juvenile justice expanded, that large-scale initiatives of this type were supported.

In Chapter 3, contemporary theories regarding the causes for juvenile delinquency are presented with corollary hypotheses on the most effective means for reducing offensive behavior by youths. The major theories explaining delinquency indicate that commitment and bonding to conventional and adult-approved activities, particularly school work and employment, differentiate delinquent from nondelinquent juveniles. Those youths who do not have opportunities to fulfill their aspirations and imagine a successful future are more likely to be offenders and isolate themselves more frequently from traditionally respectable peers in deviant subcultures that reinforce delinquency. Having a stake in conformity, belief in the law and socially acceptable values, attachments to conventional citizens with a concern for reputation, and positive relationships with adults are powerful inhibitors of juvenile transgressions. The most important predictors of juvenile behavior, however, are attitudes toward

education, performance in school, and the values of peers with whom a youth associates.

These theories imply that effective countermeasures to reduce delinquency can be applied in community-based alternative programs which:

-- Foster associations with conventional peers and adults;

-- Encourage and enable active participation in school, jobs, and/or other community activities;

-- Reinforce positive socialization processes that build a stake in conformity;

-- Discourage coercion or retaliation; and

-- Provide opportunities for meaningful employment, development of verified skills, and/or practice of autonomous and participatory adult roles.

Chapter 4 classifies alternatives to the juvenile justice system in two general categories that have been used for evaluation research: (1) according to what component of the system the alternative replaces and/or augments, or (2) by the primary programmatic function of the alternative as a residential or nonresidential intervention approach. The findings from current evaluative studies are then presented for each of these classification systems and the results in terms of efficiency and effectiveness are compared with more traditional methods and modes. From this perusal of the literature, it is concluded that "alternatives" are not necessarily better for reducing recidivism among participating delinquents, nor less costly to operate than traditional responses under the control of the juvenile justice system. Some alternative approaches are potentially more responsive and attractive than others, however. Among the most promising alternatives are conflict resolution projects, community-based options to secure detention, and some forms of community corrections, such as restitution and community service projects or programs with a pragmatic, individually tailored treatment approach that corresponds to contemporary delinquency theory.

Chapter 5 translates the histories perspective, theoretical underpinnings, and evaluation findings from the preceding three chapters into a set of general policy guidelines for considering and approving technical assistance activities in this goal area. An initial section presents some general approaches for effecting system changes that can be adopted by practitioners in specific environments. The minimum criteria that must be met by requests for technical assistance are then established and followed by a description of the most desirable characteristics of community-based alternative programs.

Examples of the type of assistance that might be approved are elaborated in a subsequent section of this chapter before the available modes of technical

assistance are depicted. Essentially, requests for federal technical assistance that are most likely to be approved will have the potential for low-cost, but large-scale impact through an innovative but promising "alternative" model with a carefully designed evaluation component and a programmatic approach that guarantees due process protection, while also ensuring against "widening the net" of social controls.

CHAPTER 2

THE HISTORICAL BACKGROUND OF COMMUNITY-BASED ALTERNATIVES TO THE JUVENILE JUSTICE SYSTEM

INTRODUCTION

By law, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is charged with the responsibility of making grants and providing technical assistance to state and local governments and other public and private organizations. The rationale behind its support is to help plan, establish, fund, operate, and evaluate more effective programs for preventing and reducing juvenile delinquency, and in the long term to improve the juvenile justice system. This mandate has been translated by the Formula Grants and Technical Assistance Division (FGTAD) into a three-pronged strategy. One component of that strategy is to develop and implement effective options to current practices of the juvenile justice system. More recently, this tripartite technical assistance mission has been further elaborated, with the "alternatives" approach focused more closely on promoting the design and establishment of least restrictive and least costly community-based alternatives for those youths:

1. Whose behavior or offenses do not warrant intervention by the juvenile justice system; and

2. Whose conventional ties to family, school, and community should be enhanced, not disrupted.

Before developing a more specific policy related to technical assistance for community-based alternatives, it is important to reach a common understanding of the terminology used and to share an historical perspective on how the concept of community programs has evolved from isolated reforms to concerted efforts for improving the services of the entire juvenile justice system. This chapter, therefore, first provides a working definition of community-based alternatives. It then presents a brief review of selected issues and events from the last 150 years of American socio-cultural and judicial history that have influenced a recent burgeoning of community-based youth service alternatives. This background is an introduction to attempts at definitive reforms as well as a tribute to the tenacity and optimism implicit in continuing refinements of an ever-evolving and ever-imperfect human society.

DEFINING COMMUNITY-BASED ALTERNATIVES

The terms "alternative" and "community-based" have been used in a variety of ways by different theorists and practitioners in promoting innovative, non-traditional mechanisms for handling troubled or troublesome youths outside the "normal" (contemporary) criminal justice system channels. Thus, a spate of programs and services has been established as alternatives to formal processing, detention, or institutionalization by the juvenile justice system. Historically, however, the juvenile court, itself, was originally an alternative to processing youthful offenders as adults in criminal judicial proceedings. In that sense, it is similar to probation which was an alternative sanction to incarceration (or payment of monetary fines) and juvenile reformatories/training schools which were initially alternatives to adult prisons (Reamer and Shireman, 1980).

Similarly, "community-based" has been interpreted in reference to numerous program characteristics, including the geographic location of a facility; the residency of clients, staff members, or program sponsors; the major source of funding; or the relative isolation/integration of services and clients with other organizations and populations in the area, such as schools, churches, business establishments, recreational and cultural groups, and the like.

In the context of this monograph, the term "community-based alternative" is used to refer to services, programs, or activities that:

- Either deflect cases from entry, or provide a parallel option to one, or more, of the juvenile justice system's usual functions (i.e., apprehension; supervision before, in lieu of, or after formal court processing, detention, or incarceration);

- Operate independently of the traditional juvenile justice system (i.e., are not primarily staffed, funded, or controlled/operated by the juvenile justice system);

- Maintain at least some programmatic linkages with the surrounding community and foster a youth's relationships with other community residents and youth-serving organizations; and

- Are situated within, and primarily serve youths from a local community--rather than regional or statewide--catchment area.

Further criteria for distinguishing appropriate and effective community-based alternatives are described in the following chapters.

CHANGING RESPONSES TO JUVENILE PROBLEMS

The problems that parents have had with their children are as old as humanity itself and have been recorded as far back as 2270 B.C. (Simonsen and Gordon, 1979). "Behavior that we now define as delinquent has been common among young people throughout history, but it has not always been illegal, nor has it always been called 'delinquency'" (Empey, 1978). Throughout the centuries, societies have attempted to ascertain the causes of unruly behavior by children in order to reduce and control such behavior. However, the behavior of young people has not changed. Rather, what has changed significantly over the centuries is the way society defines and reacts to that behavior (Empey, 1978).

In the religious doctrines of the 17th and 18th Centuries people were thought to be inherently depraved and preordained to follow a particular destiny. There was an assumption that crime and sin were synonymous, and that "while care training and submission to authority might help to control evil impulses, such impulses could never be eliminated" (Empey, 1979). Because of this belief, there were no strong inclinations to rehabilitate offenders. Rather, sin demanded punishment. Thus, unruly children were severely beaten, abandoned, or placed in harsh apprenticeships.

Gradually, during the 17th and 18th Centuries, a model of the ideal child was developed and projected. "In short, the ideal child should be submissive to authority, hard working, self-controlled, obedient, modest, and chaste" (Empey, 1979). By the early 19th Century, this model became the "standard by which undesirable conduct by children and failure by unworthy parents was evaluated" (Empey, 1978).

After the American War of Independence, there were other changes in ideology concerning the causes for unruliness in children. The most popular theories attributed the chief causes of delinquency to the environment--especially poverty, lack of education, and poor parental guidance (Simonsen and Gordon, 1979). As these concepts became accepted, the old customs of abandoning, exploiting, or ignoring children were replaced with an "ardent concern" for their moral welfare and the concept of childhood as a "special status in the life cycle" was born:

> Parental care for children became a sacred duty; the school gradually replaced the apprenticeship system as the second most important child-raising institution; and childhood became a transitional period in which protection from, rather than indulgence in, adult activities became the rule (Empey, 1978).

However, "changes in the concept of childhood did not mean that all prior child-raising practices were eliminated. Child labor was highly important and apprenticeship practices continued although with some class differentials"

(Empey, 1979). Black and Indian children, for example, were not educated and methods of discipline for all children remained harsh.

As the century unfolded, more specialized services and institutions for children were developed. Industrialization and urbanization, together with child labor laws, increased the need for schools. Religious faith and determinism also gave way to a new respect for science, free will, and the secular perfectability of society. Proper guidance and training were believed to influence children's behavior more than innate evil and sin. These trends were also reflected in the judicial services developed for juveniles in this period.

As early as 1824, juveniles were segregated from adult offenders in the New York House of Refuge. This model was copied in other localities by similar specialized youth services. Alhough these early refuges for children accepted youngsters who had been convicted of crime, they were primarily intended for orphaned or neglected children. All youths who were confined in these establishments, however, were placed under a course of severe and unremitting discipline, calculated to subdue and conciliate.

Increasingly, the new concerns for protecting children were translated into institutionalized services operated by philanthropic organizations. Neglected or unruly youths were often removed from their home environments to special facilities where rehabilitative services could be concentrated on their perceived deficiencies. After appropriate training, these children could theoretically be reintegrated into society to lead meaningful and fulfilling lives. "Asylums for abandoned children had been used in Europe for some time, but the idea that institutions could be 'superparents' and used effectively to reform criminals or to substitute for family and community as the best method to raise children was entirely new" (Empey, 1979).

The trend toward placing youths in special institutions continued, even when it became clear that the institutions had become warehouses for children and that they were not turning out model youths. It was reasoned that the failure of institutions lay in their poor execution; the methods, not the goals, were misdirected (Empey, 1979). Thus the institutions continued to operate, but several modifications were made in an attempt to improve them. The names of institutions were changed to reformatories and industrial schools. Ideologies were expanded to include what were then considered to be new and innovative ideas: indeterminate sentencing, marking/grading systems, and parole supervision. However, institutions still failed to turn out the ideal child.

Simultaneous with the development of special institutions for youths, some early attempts to implement what are now considered community-based alternatives were made. Some of the proponents of child reform established urban centers to provide shelter and clothing for the homeless. They instituted work programs for destitute youths and, in an attempt to get impoverished youths out of their "destructive social environments," placed youths with farm families in the West (Empey, 1979).

The development of probation services followed. In 1869, Massachusetts enacted a statute which required a state agent to be present in court cases where juveniles faced a possible reformatory disposition. This agent was also responsible for locating alternatives for the youths, such as indentured service or foster placement, and to otherwise "provide for and protect the interest of such children" (Schultz, 1962).

Continuing the trend toward separate services for juveniles, a New York statute, enacted in 1877, envisioned special detention facilities for youths. The statute prohibited placing children under 16 years of age "in any prison or place of confinement, or in any vehicle for transport in company with adults charged with or convicted of crime, except in the presence of proper officials" (Rosenheim, 1962).

By the turn of the century, there was a widespread belief that children were different from adults--more innocent less capable of criminal intent, and therefore, in greater need of both protection and disciplined guidance. This belief, as well as immigration, urban growth, industrialization, social mobility, and the urgent admonitions of a group of zealous reformers, often known as the "Child Savers," culminated in the establishment of the first juvenile court in Illinois in 1899.

The guiding assumptions of this new court and of its rapidly profilerating facsimilies that were established across the nation before World War I were (Breed, 1976):

-- Children, because of their minority status, should not be held as accountable as adult transgressors;

-- The objective of juvenile justice is to help the youngster--to treat and rehabilitate rather than punish;

-- Dispositions should be predicated on an analysis of each youth's special circumstances and needs; and

-- The system should avoid the punitive, adversary (sic), and formalized trappings of the adult criminal process with all its confusing rules of evidence and tightly controlled procedures.

In short, these new juvenile courts strengthened the traditional concept of parens patriae that had been articulated as early as 1772 in the English Chancery Court to allow the court to care for and protect the property of orphaned heirs by acting as the child's parent. Over the centuries, this theory was stretched to allow government to act as the child's parent, orphaned or not, in all matters. The governing standard became what was "in the best interest of the child," as interpreted by the judges (Taylor, 1981).

The new juvenile courts also gave legal sanction to the stratification of society by age and, for the first time, located responsibility for official

action in a unique legal body for children. The juvenile court was designed to ensure that the laws governing children were "liberally construed to the end that the care, custody and discipline of a child shall approximate that which should be given by its parents" (Empey, 1979).

The juvenile court was to be the new superparent—its purpose was to decriminalize juvenile delinquency, train truant youths for productive work, and protect and prevent neglected children from committing crimes. The juvenile offender was no longer a criminal, but a "delinquent," and as far as was practicable, was to be treated not as a criminal, but as a child in need of aid, encouragement, and guidance (Rosenheim, 1962).

By the end of third decade of the 20th Century, the framework—and sometimes the substance—of a complete juvenile justice system that functioned as an alternative to the adult criminal justice system was well in place. A complex array of special youth programs and services was developed. Specially trained juvenile officers were enjoined to carry out the functions of police investigation, screening, and disposition. Special juvenile detention facilities were to be provided when preadjudication detention was necessary. Juvenile "training schools" were to called upon if institutional placement was deemed necessary.

Some privately run community-based alternatives for the betterment of youths were also established during this period in many areas. Youth services were developed in the form of settlement houses and boys' clubs. Settlement house workers often took up residence in poor areas to protect and educate the disadvantaged. These reformers saw their roles as teachers and missionaries to the poor. They also saw the possibility of improving the environment and, in 1934, a model project was established in the Chicago area. This experimental program solicited community input and local residents' participation in the delivery of services. Although it showed some promise, the community-based organization model of the Chicago Area Project was subsequently abandoned for almost three decades.

REFORMING THE JUVENILE JUSTICE SYSTEM AND THE IMPETUS TO COMMUNITY-BASED ALTERNATIVES

Optimism concerning the performance and prospects of the juvenile justice system began to abate during the 1960's. As early as 1962, analysts decried the "unfulfilled promise of the American juvenile court" (Ketcham, 1962). Even sharper criticism came from the President's Commission on Law Enforcement and Administration of Justice. In its 1967 report, the Commission declared that "studies conducted by the Commission, inquiries in various states, and reports by informed observers compel the conclusion that the great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in rehabilitating delinquent youths, in reducing or even stemming the tide of delinquency, or in bringing justice or compassion to

the juvenile offender." Among other recommendations, the Commission stated that "formal sanctioning system and pronouncement of delinquency should be used only as a last resort. In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles" (President's Commission, 1967).

At almost the same time, decisions of the Supreme Court of the United States (In re Gault, (1967) and Kent vs. U.S. (1966)) questioned both the constitutionality of certain practices of the juvenile court and its effectiveness in carrying out its stated goals. These cases and others to follow increased public awareness that the juvenile justice system--specifically its judicial proceedings--could have unintended punitive, rather than rehabilitative, effects. Following the Gault decision, increasing concern for procedural safeguards of children was manifested. Juveniles now have the right to be represented by counsel, to cross-examine witnesses, to refuse self-incrimination, to require that delinquency be established "beyond a reasonable doubt" rather than merely through a "preponderance of evidence" (in re Winship, 1970), and to be projected from double jeopardy (in Breed vs. Jones, 1975). In short, the juvenile courts have moved toward adversarial proceedings that are similar to those of adult courts in guaranteeing the "due process" rights of children.

Concurrently with growing criticism of the juvenile court system stemming from investigative reports and contested practices, more promising innovative alternatives were being developed. Two community programs concerned with changing social conditions affecting the lives of urban youths were spin-offs of the Federal War on Poverty and the President's Committee on Juvenile Delinquency and Youth Crime in the 1960's. Mobilization for Youth (MFY) and Harlem Youth Opportunities Unlimited (Haryou Act) stressed the importance of empowering the poor and encouraged maximum community participation in the planning and execution of social welfare programs.

The search for new approaches to alleviate juvenile problems and reduce the overwhelming burdens of the juvenile courts continued. By 1969, the Juvenile Delinquency Prevention and Control Act established the Youth Development and Delinquency Prevention Administration within the Department of Health, Education, and Welfare and focused attention on coordinated community-based responses for reducing youth crimes. The basic model to be implemented as a "comprehensive delivery system separate from the system of juvenile justice, for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family" was the Youth Service System (Delinquency Prevention Reporter, Special Issue, 1973). By 1972, at least 49 communities across the United States had established this approach to reducing juvenile crime by:

-- Coordinating previously fragmented youth services;

-- Adapting them to the special needs of the new social scene;

— Committing funds and participation from multiple sources;

— Requiring equal access to services for all youths; and

— Installing evaluation components to monitor the effect of social institutional change on juvenile court referrals.

Thus, the wheel had turned full cycle and major efforts were then being directed toward developing alternatives to the first alternative--the juvenile justice system. Federal assistance, furthermore, was given to states for use in the planning of innovative community-based programs that would provide prevention, diagnosis, diversion, and care of delinquent youths. The new emphasis also targeted interventions toward improving the social structure and environment, not just the individual in need of guidance and reform.

By 1974, the Juvenile Justice and Delinquency Prevention Act was promulgated, and it announced that it was "the declared policy of Congress . . . to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives . . . "

One major provision of this Act encouraged immediate attention to developing alternatives to the institutionalization of youths charged with or adjudicated for offenses that would not qualify as illegal acts if committed by an adult. States were to receive formula grant allotments through OJJDP only if their mandated state plans for reducing the preventing juvenile delinquency demonstrated how these "status offenders" in their jurisdictions would be removed from detention or correctional facilities for delinquent youths within a two-year period. Moreover, evidence would also have to be presented periodically showing that such a plan had been implemented and was indeed on schedule. Although the period for compliance has since been extended, the legislation did create numerous shelter care facilities and services for runaways and truants.

Special-emphasis initiatives developed under the auspices of the Office of Juvenile Justice and Delinquency Prevention, as established by the Act, have also supported the implementation of community-based alternative youth services. Notably, these included projects for diversion, restitution, and capacity building, as well as deinstitutionalization of status offenders. Some of the outcomes and results of these projects are discussed in Chapter 3.

ARGUMENTS FOR THE DEVELOPMENT OF COMMUNITY-BASED ALTERNATIVES

The case for developing new alternatives was made not simply upon the basis of sweeping generalizations that "the juvenile court has failed." In fact, this is a proposition that would be difficult, if not impossible, to defend. The juvenile court has succeeded, to a large extent, in removing most juvenile offenders from the adult criminal justice system, and this was its central

task. The President's Commission, despite its condemnation of much of the juvenile court's practices, still felt it necessary to add that "as trying as are the problems of the juvenile courts, the problems of the criminal courts, particularly those of the lower courts that would fall heir to much of the juvenile court's jurisdiction, are even graver . . . " (President's Commission, 1967)

Present dissatisfaction with the juvenile court and juvenile justice system stems, in part, from the unrealistic expectation that the justice system should abate all juvenile misbehavior. At the same time, there are justified concerns regarding the quality and effectiveness of programs for juveniles drawn into the juvenile justice net. The reality of overburdened staff is exemplified by the "big city" courts that receive referrals of thousands of youths per year and employ hundreds on their staffs. Almost of necessity, the system has become so bureaucratized as to result in a depersonalized, assembly-line operation based upon a series of 15-minute court hearings that dispose the fates of youths and their families summarily (Reamer and Shireman, 1980). This is a far cry from the orginal goal planned by the court's founders; viz., patient and understanding inquiry by an unhurried judge into the reasons for referral, followed by fashioning a disposition that would combine compassion and science in a program designed to bring a delinquent youth into productive participation in community life.

While advocacy for community-based alternatives has been based on concerns regarding the quality and effectiveness of juvenile justice programs, that support has had a theoretical basis as well. Arguments for alternatives derived from contemporaneous theories and movements of the times were marshalled in support of such innovations and they should also be mentioned. Some of the results or underlying assumptions of these justifications have since been questioned, but the concepts and thrusts can be categorized as:

-- Labeling and social reaction theory;

-- Decriminalization of victimless crimes;

-- Deinstitutionalization;

-- Cost effectiveness; and

-- Due process protections.

There is considerable overlap in the themes that document these arguments. Nonetheless, an attempt to summarize the major points of each option is made in the following discussion.

Labeling and Social Reaction Theory

Probably the major theoretical underpinning for criticism of the juvenile justice system during the 1960's stemmed from the so-called "labeling" theory. Beginning in the 1950's, scholarly writings drew attention away from the offender as the source of his/her own problems and focused on the role that law enforcement and judicial and correctional agencies may play in perpetuating the behavior they are intended to control and ameliorate (Lemert, 1951; Becker, 1963; Schur, 1971). More recently, sociologists have underscored the potentially adverse impact that social reactions may have upon those who have been identified as deviants (Gibbons and Jones, 1975). Their argument follows:

There is stigma which accrues from contact with law enforcement and from judicial and correctional agencies. This stigma contributes significantly to the establishment of deviant social identities and self concepts which are judged to be critical in the development of deviant careers. Repeated misconduct or deviation sets off social reactions (police arrest, court referral, and expulsion from school) which in turn stimulate further acts of misbehavior (Lemert, 1951). This interactive reciprocal process has been called the "self-fulfilling prophecy" and the "negative labeling syndrome."

Labeling theory has subsequently been criticized on theoretical and particularly on empirical grounds (Mahoney, 1974; Tittle, 1975). Studies have found that labeling does not necessarily result in a youth accepting a self-perception of diminished self-worth or delinquent personality, that subsequent legitimate opportunities are not necessarily denied, and that further deviance does not necessarily result. Nevertheless, the theory was used as a strong buttressing argument at one time for the diversion of many young people from potentially harmful and permanently stigmatizing contact with the juvenile justice system, particularly if their offenses did not warrant such negative consequences. This argument was thus appropriately tied in with a concurrent movement for decriminalizing some offenses.

Decriminalization of Victimless Crimes

As noted earlier, the Juvenile Justice and Prevention Act of 1972 mandated the deinstitutionalization of status offenders. Many states had already moved to distinguish legislatively between criminal (delinquent) and noncriminal (status offenses and neglect/abuse) behavior under the purview of the juvenile courts (California in 1961, New York in 1962, Illinois in 1965.

In most states, new laws created a legal category of "persons in need of supervision" (PINS--also coded MINS, YINS, CINS for minors, youths, or children in need of supervision). Different adjudication procedures and dispositional alternatives were then required, but necessary services to carry

out the laws were not always guaranteed. Thus, while some statutes forbade commitment of status offenders to youth authorities or youth commissions, other public and private service providers (e.g., family and children's services) were not required to accept them. Accordingly, while some problem children were receiving assistance, others were not being served for lack of a coordinated service approach.

Another problem with this categorizations of youths by legal problem was that the label of status offender did not always adequately describe the actual circumstances that brought an individual youth to the attention of judicial authorities. The truancy or runaway offense, for example, could have been only one of the charges pressed in plea bargaining attempts to clear the court docket and still ensure some supervision of the defendant.

The push to decriminalize status offenses in the juvenile courts paralleled similar pressures to remove the criminal label from other social problems, notably public drunkenness and some moral offenses, and thus remove substantial numbers of cases from court and police intervention. Decriminalization, however, did not automatically create effective alternative mechanisms for handling ("treating") or resolving social conflicts, and did not even guarantee compliance with the new statutes.

Deinstitutionalization

The major concern for decriminalization of status offenses was closely related to the recognition that youths displaying these behavior patterns were being sentenced to large institutions, along with more serious and violent juvenile offenders, and that the results were frequently disastrous. Instead of offering effective rehabilitation, correctional institutions were providing opportunities for youths to continue their negative and delinquent behavior patterns.

The reasons for this appeared to be numerous. A strong influence in most institutions is that of other residents. Not only are youths likely to learn about other criminal roles, but they are also likely to adopt the inmate code of behavior and increase their resistance to authority. Moreover, institutional life is frequently unfair and inhumane, characterized by fear, homosexual rape, and assaults on and exploitation of inmates by other inmates. Bartollas et al. (1960), reporting from first-hand staff experience, indicated that at one institution, TICO in Ohio, new youths are tested immediately to see if they can be exploited for food, clothes, or sex. A later survey of student at TICO found that "personal security," or fear, ranked second behind feelings of personal "powerlessness" as a key aspect of institutional living at this facility (Hayes and Johnson, 1978).

Consistent with the criticism that institutions frequently have negative effects is evidence that most correctional facilities are not effective in

reducing recidivism. A contemporary review of correctional programs (both juvenile and adult) found that very few were successful in reducing recidivism (Martinson, 1966).

In addition, institutionalization has other potentially harmful effects. The first effect was implied in the discussion of labeling. While any involvement in the juvenile justice system may be stigmatizing, institutionalization (the most serious sanction) can have the most harmful labeling effect.

Another effect of institutionalization is the separation of youth from family, friends, and community. On the one hand, some in the community may welcome the removal of a youth, while at the same time his separation from friends in the community who have exacerbated his delinquency may also be beneficial. However, because the youth is likely to return to the community, the development of ties or bonds to conventional family members and friends who have expectations of lawful behavior is extremely important. The greater the ties or bonds to these significant people, the less likely the youth will be to violate their expectations.

Incarceration also decreases the youth's opportunities for meaningful work or training opportunities. For example, the number of variety of vocational and educational programs are limited, particularly in smaller institutions; traditional areas of training (frequently devoted to meeting an institutional need, or initiated simply because certain types of equipment and facilities are readily available at the institution) have not proven effective in helping youths obtain employment upon release; and terms of commitment do not necessarily coincide with course schedules (ABA, 1975). Furthermore, the continuing need for security has sometimes impaired the effectiveness of the training.

Recognition of these potentially harmful consequences from juvenile incarceration has made critics of the juvenile justice system cautious about sentencing and, in fact, spawned a movement to keep as many youths as possible out of traditional reformatories, and to shorten the time spent there by those few who do require secure care. These efforts toward deinstitutionalization in the correctional field are also matched by similar movements in the areas of mental health and retardation. Professionals in these practices simlarly recognized the profound negative effects on community reintegration and adjustment of long-term separations from normal daily tasks and responsibilities and, therefore, recommended institutionalization as a last resort for the most seriously afflicted and dangerous individuals.

Cost Effectiveness

Closely aligned with arguments for decriminalization and deinstitutionalization are statements about the relative costliness of criminal progress and correctional incarceration, especially when considering the results

achieved. If the costs for judges, prosecutors, juvenile defense attorneys, social service agencies, and support personnel were billed on a case-by-case basis in the same way that medical services are billed, the costs would be more apparent. The more extensive or longer the involvement, of course, the higher the costs.

Therefore, the argument goes, juvenile justice system contact should be restricted to those serious cases that merit intervention, with alternative arrangements, such as civil arbitration proceedings or family counseling, replacing judicial proceedings to the extent possible. Reducing the burden of the courts would not only reduce backlogs and cut costs, but also free scarce human and financial resources for reallocation to more difficult problems.

"Due Process" Protections

Still other arguments used to support the establishment of community-based alternatives that divert youths from continuing contact with the juvenile justice system are concerns for "due process" and children's rights that grew out of such litigation and decision as In re Gault, [illegible]nt, Winship, etc. By this line of thinking, children assume more of the responsibilities of adults as they get closer and closer to the age of majority and should be treated accordingly. Therefore, the juvenile court's more traditional social welfare obligations give way, at least in part, to dispensing deserved punishments and sanctions, albeit on a reduced scale, that are proportionate to the immaturity of the recipient as well as the severity of the offense.

Several commissions and task forces have studied the problem of rationale, fair sentencing for juveniles and made recommendations regarding commensurate desserts for different age and offense categories. As public reactions against violent juvenile crime have increased, popular sentiment has also supported more severe and mandatory penalties for these crimes, especially for older adolescents. Therefore, there is pressure to treat certain juvenile offenders as adults through waivers to the adult court, or to guarantee their incarceration, if adjudicated.

Concomitantly, due process concerns mandate the restriction of probation to adjudicated cases and the diversion of minor offenders or low-risk troubled youths to community services on a completely voluntary basis, without the coercive threat of a return to court for future processing if a "treatment" plan is not completed (Henson, 1979).

SUMMARY

A number of themes can be traced in the historical development of community-based alternatives to the juvenile justice system (Westinghouse, 1982). The

most important trend is the impetus to deinstitutionalize delinquents and deflect status offenders and neglected or abused children to community-based programs. A secondary change can also be noted in the shift from the individual as the sole target of intervention to a concern with the effects of social interaction and the social structure on wayward behavior. The emphasis on reforming troubled youths was most evident during the Progressive Era when the doctine of parens patriae supported the intervention of one juvenile justice system in all aspects of a child's life.

The focus on changing the quality of social interaction and of the social structure itself occured in the 1960's--at the same time the federal role in community-based alternatives expanded. Although "child savers" in the late 19th Century recognized the importance of the environment as a contributor to delinquency, they removed youths from negative surrourdings instead of trying to improve the social structure. The Chicago Area Project of the 1930's as one of the first community-based experiments that attempted to improve the environment, and MFY and the Haryou Act were more immediate precursors of the modern initiatives.

CHAPTER 3

A THEORETIC FRAMEWORK FOR COMMUNITY-BASED ALTERNATIVES

USES OF THEORETIC CONCEPTS

Theory and research on the causation of juvenile delinquency provide a strong knowledge base for planning strategic interventions to prevent, deter, or rehabilitate young offenders. As Elliott (1980) has observed, a grounding in theory guides the researcher in identifying multiple criteria to measure program success, to hypothesize relationships among intermediate variables, to interpret evaluation findings in identifying relative success of parts of a program, and to make causal references from positive findings. A large body of tested theory already exists on the causation and/or correlates of juvenile crime and delinquency.

The purpose of this chapter is to introduce and discuss several major theories which, when taken together, provide a foundation for the development of community-based alternatives. The expectation is that certain theoretic concepts can be applied to community-based alternatives to distinguish the useful from the ineffective, and also to determine what specific approaches appear most helpful and applicable with particular classes of juveniles. The result of this analysis is a set of hypotheses for testing the comprehensive network of community-based alternatives needed in any given juvenile court jurisdiction.

EXPLANATIONS OF JUVENILE DELINQUENCY

A turning point in research on juvenile delinquency was reached during the 1960's when criminologists began to ask representative samples of anonymous adolescents, instead of just those with prior court or public records, about their past behaviors and actions that could be labeled criminal. This investigative method verified the enormity of unreported crime and the small percentage of offenses that result in arrests. More importantly, it substantiated the sizeable proportion of youths who engage, at least occasionally, in some form of delinquent behavior, but are not apprehended and do not pursue criminal careers (Glaser, 1975).

This discovery also led to reexamination of traditional hypotheses about delinquency causation and the investigation of distinguishing correlates of criminal and noncriminal life patterns. Several overlapping and associated

theories emerged. Currently they are considered the best tested explanations of delinquency causation and thus the most appropriate grounds for establishing delinquency counter-measures. The collective statements that have been gathered into coherent doctrines describing delinquency development can be categorized as:

-- Control theory;

-- Strain theory; and

-- Alienation and age stratification.

The following paragraphs provide brief descriptions of these major theories and demonstrate their relevance to community-based alternatives.

Control Theory

Very simply, control theory holds that youths may become delinquent if they develop no traditional and conventional constraints on their behavior through attachments to law-abiding citizens and adult roles in society. Most adolescents are socialized through family membership, school participation, peer group activities and, perhaps, employment by a formal organizations. They develop a stake in lawful, conforming behavior that would be jeopardized by illegal activities. Further, the threat of possible harm to their reputations and their prospects as future adults serves as a deterrent to illegal activities, at least most of the time.

A cogent summation of control theory has been provided by Hirschi (1969) who describes favorable socialization as bonding to conventional society. He further distinguishes four aspects of such bonding:

1. Attachments to conventional persons, such that their affections, regard, and respect would be endangered by illegal pursuits;

2. Commitment to conventional endeavors, as demonstrated by interests in socially approved activities such as school work, team sports, community service, religious practices, artistic endeavors, gainful employment, and the like;

3. Involvement in the same types of conventional activities, with full-time investment of effort and resources to the extent that no energy remains for unlawful behavior; and

4. Belief in conventional values and an underlying faith in the propriety of a system of morals, laws, and customs that governs routine social exchange.

Hirschi (1969) also suggests that the reduction of juvenile delinquency is best pursued by increasing positive socialization experiences and strengthening personal bonds or commitments to families, schools, conventional friends, and other legitimate social institutions. In an analysis of questionnaire responses from a large sample of metropolitan school children and a subsequent cross-check of their police records, he found that the most usual factors associated with self-reported delinquency and apprehension were poor school aptitude tests and performance records. Rebellious youths, especially males, were also apt to dislike school and teachers, refuse to do homework, and defy the rules by smoking in school, for example. Essentially, Hirschi found a strong relationship between school failure and adolescent crime rates that has intensified the search for improved alternatives--more fulfilling education experiences, vocational work-study programs, or full-time employment.

His work also supports the utilization of community-based alternatives during every phase of judicial processing to keep youths in contact with, or increase their opportunities for, conventional activities and interactions with law-abiding citizens. In fact, institutional isolation and segregation can only delay or frustrate the bonding experiences derived from exposure to exemplary role models and participation in legitimate, adult-sanctioned activities. During adolescence, moveover, youths are at the most critical and vulnerable developmental stage in their socialization for adulthood. Disruption of this process, especially for prolonged periods, can be a serious and sometimes unredeemable mistake.

Strain Theory

A second explanation for delinquency causation has been termed strain theory. It states that delinquency is induced by gaps between socially endorsed values or goals and the opportunities available to gratify these desires through acceptable and accessible channels. Closely related to control or bonding theory, this variation stresses the frustration and negative behavior or violence that is likely to erupt, especially in low socioeconomic status areas, when all hopes for mobility and advancement appear to be blocked.

According to this argument, youths who believe that they will have access to desirable goods and a "quality" lifestyle, and be rewarded by success by doing well in school, whether they find it pleasant or not, will struggle toward this bright future. However, a young person who has no reason to believe he will obtain desirable work whose neighborhood is full of poor, unemployed people (old and young), whose parents do not have decent jobs, and whose school guidance counselor suggests that the youth try janitorial work is not likely to see opportunities or believe that a better future is possible (Johnson, 1979). Yet, such a youngster has still been exposed to a barrage of media advertisements and other portrayals of the "good life" as an abundance

of money, material goods, and other status symbols. He must either reject these commonly held values, defer the possibility of gratification, or use illegitimate means to accomplish what he wants. In a society that stresses goals over means--and often implies that "the end justifies the means"--the direction that such a frustrated youth will choose is rather predictable (Merton, 1956).

The basic concepts of strain theory has been posited by numerous psychologists and sociologists, as well as criminologists, to explain individual and collective aggression, violence, crime, political disobedience, or revolution. Under slightly different labels, similar tenets have been expounded as frustration-aggression (Dollard, 1939) anomie and deviant behavior (Clinard, 1964); or relative deprivation (Gurr, 1970). A succinct summary of this latter theory, which closely resembles the basic ideology of strain theory, is provided by Gurr:

> Relative deprivation is defined as a perceived discrepancy between men's value expectations and their value capabilities. Value expectations are the goods and conditions of life to which people believe they are rightfully entitled. Value capabilities are the goods and conditions they think they are capable of attaining or maintaining, given the social means available to them. Societal conditions that increase the average level or intensity of expectations without increasing capabilities increase the intensity of discontent. Among the general conditions that have such effects are the value gains of other groups and the promise of new opportunities. Societal conditions that decrease men's average value position without decreasing their value expectations similarly increase deprivation, hence the intensity of discontent. The inflexibility of value stocks in a society, short-term deterioration in a group's conditions of life, and limitations of its structural opportunities have such effects.
>
> Deprivation-induced discontent is a general spur to action. Psychological theory and group conflict theory both suggest that the greater the intensity of discontent, the more likely is violence. The specificity of this impulse to action is determined by men's beliefs about the sources of deprivation, and about the normative and utilitarian justifiability of violent action directed at the agents responsible for it.

Several assumptions underlie strain or relative deprivation theory. The first is that deprivation is <u>perceived</u>--that a class of valuables or goals (e.g., power, money, activities) is available to some, but not to others, in the same society. A second assumption is that members of the group have to agree that this class of valuables rightly and fairly <u>ought to be</u> accessible to all. Such valuables may even have been available once and are now unobtainable, or are predicted to be so in the near future.

A third assumption is that the perceived strain will generate a discontent that results in aggressive and illegal responses. Most observers agree that perceived deprivation will, at the very least, precipitate anger and frustration. However, critics point out that these feelings may be expressed in different ways by those who experience them. Frustration and anger may indeed lead to overt acts of hostility toward the individual or group that is alleged to be responsible for the strain or deprivation. Anger and frustration may also be directed inward as self-destructive impulses and acts, or they may merely result in apathy, submission, or resignation. Even when aggression results, it may be expressed in individual crimes, group outbreaks of domestic strife, gang warfare or it may be converted into legitimate, nonviolent strikes, petitions, appeals, and such.

Strain theory does have important implications for the types of corrective responses taken to alleviate the gap between aspirations and capabilities. Fundamentally, frustration and anger that result from perceived deprivation and unfairly block opportunities will only be heightened by responses that further limit opportunities to increase capabilities. Repression of efforts to redress grievances stimulates more open hostility and provokes acts of crime or rebellion. The use of coercion and harsh punishment as retaliation can only be expected to further escalate resistance.

Some compromise between blocked opportunities and expectations is therefore needed to reduce the discrepancy between what is wanted and what is available. Neither a simplistic admonition to improve capabilities by increasing opportunities--nor the converse, an appeal to diminish expectation--offers practical guidance in how to merge aspirations with opportunities and thus eliminate discontent. As Gurr (1970) has pointed out, no pattern of coercive control is likely to deter all enraged men, except extinction, and no utopian plan of social engineering seems capable of satisfying all human aspirations and resolving all discontents. Instead of advocating extreme responses, recognition must be given to negotiated solutions that provide new and legitimate means to the gratification of realistic expectations.

Community-based alternatives to the juvenile justice system offer a neutral territory in which to work toward the alleviation of perceived deprivations or strains. Staff members in community-based programs, especially those that serve a general--rather than solely delinquent--population, are not necessarily perceived as powerful, authoritarian representatives of a repressive establishment. Juveniles in such programs can, hopefully, learn alternative and appropriate means other than crime and rebellion for achieving their expectations and meeting very real needs. They can take advantage of opportunities for the development of skills, perhaps clarify their objectives, and reduce their personal sense of frustration and anger.

Juveniles in community-based programs can also participate in collective efforts to remove barriers that block mobility and achievement. The satisfactions derived from organizing constructive confrontations and expressing positive autonomy can sometimes offset those formerly found in being a

competent delinquent or revolutionary. The process parallels the development of a stake in conventional values and closer ties to the community.

Alienation and Age Stratification

Several other explanations of juvenile delinquency that are supported by current research can be grouped together under a general label as theories of alientation and age or subcultural group stratification. Most of them proceed from the well documented observation that peer group influences are particularly important predictors of adolescent behavior, and the values of the group to which a youth belongs are highly correlated with individual beliefs and actions (Hirschi, 1969; Elliott and Voss, 1974). Theorists argue over whether joining a delinquent gang comes before or after an individual youth's commission of delinqent acts--whether those with similar tendencies and values seek each other out and then reinforce their mutual scorn of conventions, or whether some youths with ambivalent attachments to conventions are recruited and subverted by their association with delinquent peers.

Whether the conversion process to delinquency is due to the lack of adult attention and role modeling or not, adolescents are particularly vulnerable to peer pressures during the transition to adult status. They appear to seek favorable attention from co-equals more than from adults, and to be much more susceptible to impulsive and detrimental actions during this developmental period than they will be after maturity. The influence of teen culture, moreover, often incorporates activities associated with adults (such as smoking, drinking, automobile driving, and sexual experimentation) that can have both immediate and long-range consequences that are harmful. Early intervention to disrupt the formation of negative alliances and to encourage linkages to more positive peer groups has thus become a maxim of delinquency prevention and reduction.

A variant explanation of status-seeking among peers is provided by Matza (1964), who contended that some juveniles engage in delinquent acts to overcome a sense of powerlessness and isolation--just to make something happen and exert autonomy. The rationale is not so dependent on group membership for supporting action decisions. The outsider who has no close attachments can still attain notoriety and recognition among peers for an act of defiance that is easier to commit than one of achievement or successful interaction with a co-equal.

Following this reasoning, Loeb (1973) pointed out that most upwardly mobile and nondelinquent middle-class youths have the opportunity to practice adult roles in organizations other than classrooms where guidance from a mentor/coach is available and the group has formal, recognized, and approved goals similar to those of adults in their associations. Such groups have formal rules and procedures that help create relationships among members toward a mutually acceptable and collective goal. Moreover, participation in such

groups is important practice for the shared responsibilities and role differentiation that occur in adult life. These formal groups (e.g., teams for sports and other extracurricula activities) welcome the sponsorship and participation of adults in limited background roles rather than excluding them entirely. These formal groups also supplement the usual instructional and didactic interactions of children with adults in traditional schools, and theoretically ease the transition to adulthood for participants.

The implication of delinquency causation theories related to peer group influences and alienation of adolescents from adults is that community-based alternatives can offer opportunities for intervening and countering the formation of delinquent subcultures. They can also provide an environment conducive to learning constructive adult roles and fostering formal and goal-oriented teamwork among peers as practice for adult responsibilities. Additionally, community-based alternatives can assist isolated youths in establishing friends as well as gaining positive rewards and approval from adults.

SUMMARY

In summary, the major theories explaining delinquency indicate that commitment and bonding to conventional and adult-approved activities, particularly school work and employment, differentiate delinquent from nondelinquent juveniles. Those youths, who do not have opportunities to fulfill their aspirations and imagine a successful future are more likely to be offenders. More frequently, they isolate themselves from traditionally respectable peers in deviant subcultures that reinforce delinquency. Youths having a stake in conformity, belief in the law and socially acceptable values, attachments to conventional citizens with a concern for reputation, and positive relationships with adults, are powerful inhibitors of juvenile transgressions. The most important predictors of juvenile behavior, however, are attitudes toward, and performance in school, and the values of peers with whom a youth associates.

These theories imply that effective countermeasures to reduce delinquency can be applied in community-based alternative programs that:

- Foster associations with conventional peers and adults;
- Encourage and enable active participation in school, jobs and/or other community activities;
- Reinforce positive socialization processes that build a stake in conformity;
- Discourage coercion or retaliation; and

-- Provide opportunities for meaningful employment and the development of recognized and useful skills and/or practice of autonomous and participatory adult roles.

CHAPTER 4

DESCRIPTIONS AND CRITIQUES OF COMMUNITY-BASED ALTERNATIVES

INTRODUCTION

The last 20 years--and particularly the last decade since the establishment of OJJDP--have witnessed the development of numerous innovative, community-based youth programs and services that are directed toward youths who have come in contact with, or been found delinquent by, the juvenile justice system. No single descriptive study can begin to elaborate the wide variations and differences among these individual programs. This chapter attempts to group alternatives in two ways that will help the reader to understand:

- What kinds of programs have been developed and recommended as options to different components of the juvenile justice system; and
- Evaluative measures that have been applied and the general results that have been found from studies of prototypical alternative programs.

Chapter 3 described contemporary delinquency theories and their implications for programming. The findings from evaluative studies that are discussed in this chapter, together with the rationale for reducing juvenile crime, should provide a spectrum of new and tested criteria for determining what types of community-based services should be encouraged and supported as alternatives and thus provide guidance for planning and developing a comprehensive network of appropriate services.

Alternatives to the juvenile justice system can be either substitutes for traditional police and judicial processing activities or institutional dispositions. Processing alternatives usually refer to diversion programs or conflict resolution projects, while dispositional alternatives usually refer to substitutes for detention or the correctional system. Alternatives may also be classified as nonresidential, such as educational or employment programs and counseling services, or as residential including such options as foster care, group homes, or supervised independent living. In many cases, the same type of program can provide services to youths at several different stages in the justice system continuum. For example, community-based residences can serve either as alternatives to detention, or as alternatives to post-adjudication confinement. Similarly, a nonresidential alternative, such as employment training, might be used in conjunction with a residential placement in foster care as part of an alternative disposition at sentencing

to replace traditional confinement in a DYS facility. Thus, different classification systems for "alternatives" may only partially distinguish their features.

DESCRIPTIONS AND DISCUSSIONS OF ALTERNATIVE PROGRAMS

Figure 1 illustrates some types of alternative programs and stages of the juvenile justice process at which they might be utilized. The next section of this chapter discusses alternatives from the perspective of their application at different stages of the juvenile justice system process and presents the issues that have been raised to support and criticize their widespread development. Alternatives to the juvenile justice system are thus categorized as:

— Alternatives to intervention--diversion;

— Alternatives to detention--pretrial community supervision;

— Alternatives to court processing--conflict resolution; and

— Alternatives to incarceration--community-based corrections.

Alternatives to Intervention: Diversion

There are two major types of diversion projects (Boggs, 1980). One type handles youths who are charged with offenses, but whose offenses and offense history do not warrant further processing. The youths are simply warned and released. In this case, the diversion project represents a formalization of more traditional but informal screening and release processes.

A second type of diversion project not only releases accused youths, but also provides them with services, directly or through referral to community agencies. These services may include counseling, job training, recreational activities, foster care, or community-based residential placement.

Diversion projects are usually either police--or court-related. Police diversion occurs between the time an arrest is made and the filing of a petition in court; court diversion occurs between the filing of a petition and adjudication.

The following rationales have frequently been offered by juvenile justice systems that provide diversion services as an alternative to continued processing through the court:

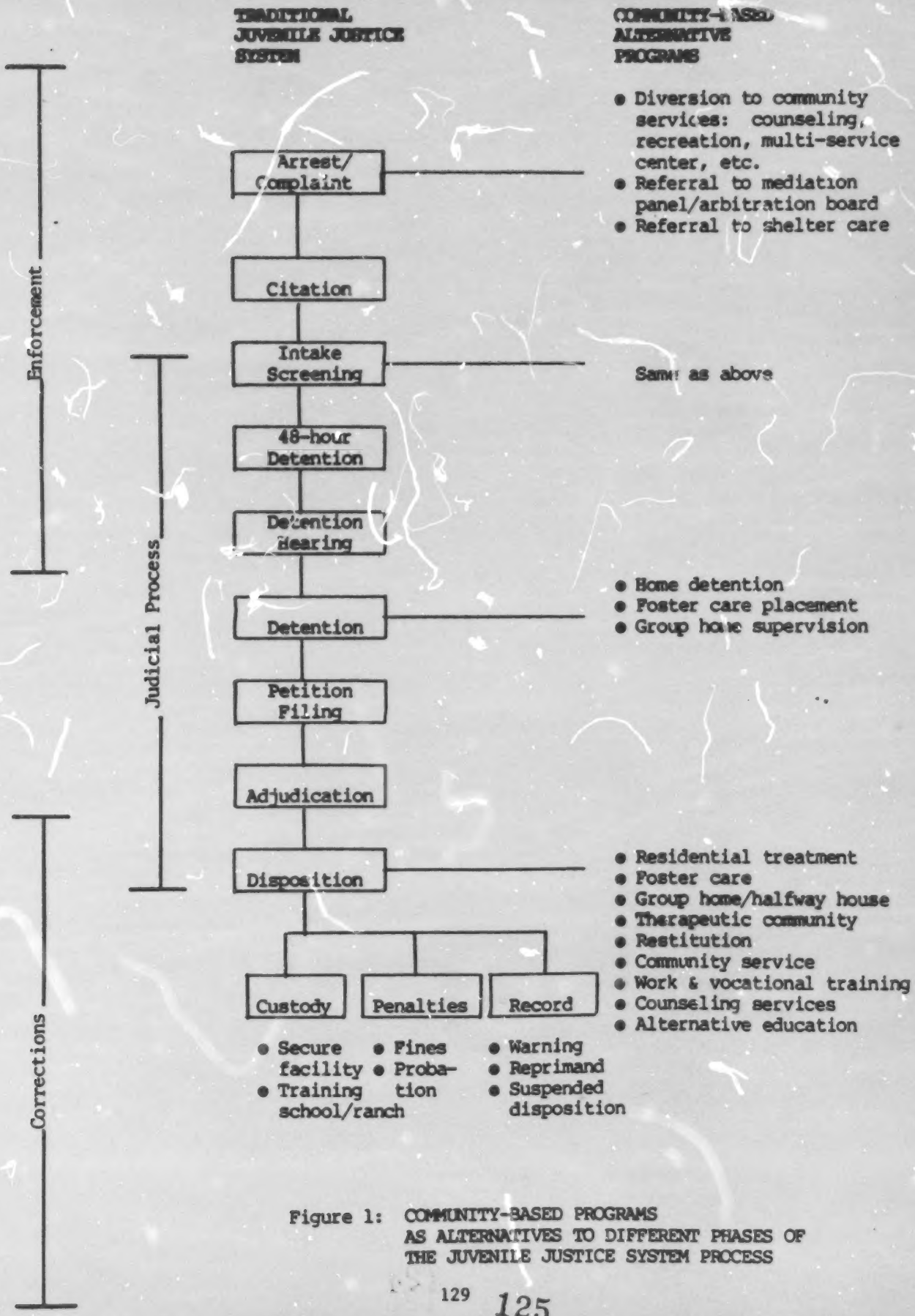

Figure 1: COMMUNITY-BASED PROGRAMS AS ALTERNATIVES TO DIFFERENT PHASES OF THE JUVENILE JUSTICE SYSTEM PROCESS

- Contact with the juvenile justice system, in itself, is stigmatizing for youths and may contribute to a negative identity. This, in turn creates a self-fulfilling prophecy of further misbehavior or greater visibility/vulnerability to continued apprehension;

- The juvenile justice system tends to isolate youths from normal interactions with family and friends, thus interfering with positive learning or reinforcement and the accumulation of "stakes" in a conventional lifestyle that are such important functions of adolescence;

- The juvenile justice system is not designed to provide needed social remedies or adequate treatment services for youths who are in trouble and require habilitation and special care; and

- The juvenile justice system is currently overloaded, understaffed, and underbudgeted to the point of being dysfunctional. Relief can only be sought through a reduction of caseloads--a change in the flow of juveniles through the system. If less serious offenders are referred to community services which are less costly than continued processing, per client costs as well as staffing patterns may be lowered, and the existing resources will be available for more serious offenders.

The arguments supporting diversion programs were underscored by the 1967 report from the President's Commission on Law Enforcement and Administration of Justice in which the development of community-based resources to offset deficiencies of the juvenile court was recommended. "By the late 1970's almost every community in America had established a diversion program of some kind" (Dunford, 1981).

Almost ten years later, enthusiasm for this concept has waned and a number of substantive challenges and issues have been raised, based on experiences with program operations. As part of a general review of evaluation studies on the effectiveness of justice system interventions and rehabilitation programs, Romig (1978) reported on studies of diversion programs published between 1971 and 1975 and an early similar effort in 1945. Seven of the eight projects studied showed no difference between treatment and control groups. The eighth revealed that experimental youths had significantly higher arrest rates than their control counterparts. Romig concluded that the reason these programs failed was not necessarily that diversion was ineffective, but that diversion programs relied on individual counseling, casework, referral, and work experience to change behavior. Because these approaches (analyzed in more detail in later sections) have been generally unsuccessful, diversion programs that rely on them will also fail, he contended.

A lack of effectiveness and other problems with diversion programs have more recently been identified in findings from a national assessment of federally funded diversion initiatives. Essentially, this national study found that:

-- Diversion projects, at least in the sites surveyed, were no more effective than continued court processing or preemptive release in reducing stigmatization, improving social adjustment, or increasing conforming behavior (self-reported or observed) by participating clients;

-- Neither the intensity of services provided, the kind of services offered, nor the sponsorship of such services changed the insignificant program impact on positive social adjustment, recidivism, or the perception of negative labeling by clients;

-- Characteristics of the clients made little difference in their dispositions to diversion, release, or processing;

-- Other intervening variables and poor system records made analyses of client flow impacts on the juvenile justice system almost impossible and a meaningless criterion to assess; and

-- Cost data were similarly difficult to interpret, except that removal from further processing without diversion services was clearly the least expensive option, whereas comparative diversion and court costs varied greatly from site to site.

In addition to the finding from the national assessment that diversion services--of whatever type of intensity--do not necessarily have more positive effects than either a continuation of traditional processing or immediate release, these projects have also been criticized on two other grounds:

-- "Widening the net" of court control over juveniles whenever clients for diversion are selected from groups that would ordinarily have been released without further interference prior to start-up of the new alternative; and

-- Violation of "due process" rights when clients were not dismissed completely and immediately from all further court intervention, but the option of a continued processing was held as a conditional threat before adjudication and pending the outcome of a youth's satisfactory participation in program activities.

Alternatives to Detention: Pretrial Community Supervision

Similar to adults, youths who are arrested and considered either dangerous to the community or themselves, or unlikely to appear in court, are jailed or otherwise confined while awaiting further processing. The average period of confinement lasts ordinarily one or two weeks--occasionally longer, but more often, shorter. Frequently, youths who are detained initially by police decision are released following judicial review one or two days later.

There are several problems with such traditional confinement (Reamer and Shireman, 1980). The first is that the mere fact of detention, regardless of when the detention occurs, may lead to greater severity in later processing. In a Massachusetts study of Division of Youth Service detainees, for examples, Coates, Miller, and Ohlin (1978) found that certain youths--similar to their counterparts except for the fact that they were confined before adjudication--were more likely to be given more restrictive placements at disposition.

A second criticism of detention practices is that many youths are inappropriately confined. The problem is usually excessive utilization of detention, sometimes resulting from intake criteria that are not sufficiently specific or consistently applied. Some youths who do not represent a real danger are confined. For example, a recent study of juvenile detention (Pappenfort and Young 1981) found that only a small proportion of youths detained in alternatives rather than traditional confinement had committed offenses or run away while awaiting adjudication. According to the Massachusetts study, detained youths were not significantly more dangerous, as indicated by their current offeneses or criminal histories, than youths who remained in the community before their hearings.

Another inappropriate use of detention was found in Massachusetts, but also could occur in other states where judges feel frustrated because they have no control over the length or place of confinement after youths are formally committed to the youth correctional agency. In Massachusetts, apparently, judges sometimes delay proceedings and use detention as a punishment (Coates, Miller, and Ohlin, 1978). By so doing, they are able to ensure that a youth receives at least some confinement before the possibility of immediate release by the Division of Youth Services after commitment. Still other inappropriate uses of detention include the confinement of negelcted or abused youths who actually need only shelter care, but for whom appropriate placements are not available.

A fifth problem concerning detention is that placements may be in custodial facilities which lack both needed services and adequate supervisory controls. In the Massachusetts study, 61 percent of youths placed in custodial units, in contrast to 29 percent in shelter care, claimed that some "bullies" in the unit pushed others around. Sixty-four percent of custodial youths also claimed that a few kids "ran everything." In contrast, only 36 percent of youths placed in shelter care made similar statements (Coates, Miller, and Ohlin, 1978).

Community alternatives to detention may include supervision at home, in a foster care placement, or in a group home. Each of these is described, in turn, in the following paragraphs.

Home Detention--A nonresidential alternative to detention usually involves release of the child in the custody of the parents, along with close supervision by a probation officer who keeps in contact with them every day or so (Reamer and Shireman, 1980). As a condition of release under home

detention, a youth usually has to abide by certain rules (e.g., observing a curfew, or maintaining regular face-to-face or telephone contact with a youth worker).

Home detention programs offer several advantages. For example, the environment for the youth is usually preferable to other forms of detention, costs are minimal, and there are probably minimal adverse effects, if any, on later postadjudication decisions. A limitation is the lack of restriction on a youth's movements, and therefore it is usually reserved for less serious offenders.

Home detention does appear to be successful, however. A review of six home detention programs (Pappenfort and Young, 1981) found that 82 to 98 percent of youths assigned to the program appeared in court on their charges and were accused of no new offense while under supervision. It is important to keep in mind, however, that the measure of success or effectiveness for detention programs is different from that used in other alternatives which attempt to reduce recidivism over a longer follow-up period.

Foster Care and Group Home Detention--Other community-based residential alternatives to traditional detention include foster care and group home placements. In foster care alternatives to detention, substitute parents are paid a per diem amount to care for youth(s) during the preadjudication period. In a few areas, foster parents are subsidized by an annual salary to guarantee short-term care for any youth referred throughout the year. In some communities, specialized group homes have been estsblisehd that function only as alternatives to detention. Other group homes mix youths who have been adjudicated with status offenders and those who are awaiting court processing. The biggest reason for using group homes as alternatives to detention is that restrictions can more easily be applied than in home detentions, and yet the youths are not institutionalized away from the community.

The twin issues raised by alternatives in general--widening the net and due process--have also been concerns of detention projects. With reference to widening the net, a court may refer a youth to a detention alternative, possibly a residential program, but before the existence of the innovation, this youth otherwise would have been released on recognizance with few strings on personal freedom. No studies were found in which detention rates were compared before and after the introduction of alternatives. It is possible, of course, and recommended that jurisdictional authories analyze these rates before and after introduction of a community-based detention alternative program as one way of avoiding any widening of the net.

With regard to concerns about due process, evidence of serious misuse of alternatives to detention does exist. Apparently, the juvenile who is detained in an alternative program is often viewed as though he had been adjudicated guilty. According to a survey of alternative programs (Pappenfort and Young, 1981), officials in 9 of 11 local jurisdictions which had

alternative detention programs responded affirmatively that one purpose of the alternative was "to give the youth a mild but noticeable 'jolt' so that he/she will recognize the seriousness of the behavior." Officials in 10 of 11 localities also responded that another reason was to "begin rehabilitative treatment."

Given the fact that the option is probably secure confinement in a traditional detention setting, youths are, in effect, being placed in treatment settings under duress. Additionally, unless the program serves only detainees, it is likely that youths are mingling with adjudicated delinquents, despite the fact that their delinquency statuses have not yet been decided.

There are still other ways in which detention is misused. In some localities, a youth may be detained partly or primarily because it is administratively convenient to have him accessible for interviews by probation officers and available for appearances in court.

The selection of juveniles who need detention of different types is also problematic. According to a recent study of secure detention of juveniles (Pappenfort and Young, 1981), there is considerable variation in practice among jurisdictions. In many places, a police officer brings a youth to court or to the detention facility to be locked up and the decision to detain the youth is almost automatic. In other jurisdictions, an intake person, frequently a probation officer, takes information about the case and decides whether or not to detain the youth. In some courts, the intake officer has the power to decide not only upon detention, but also whether to dismiss the case entirely. Thirty-five states, according to a 1974 study (Levin and Sarri, 1974), required judicial review of a decision to detain within a specified time.

Factors influencing the decision to detain are varied and difficult to detect. Intake officials in many localities surveyed in the Pappenfort and Young study were guided by preset formal criteria in deciding whether or not to detain. However, the researchers suggest that prevailing judicial and administrative policy was a more influential factor than any written criteria. Highly influential also were the demands of police, parents, and social agencies. Because detention practice, in general, has low community visibility, these groups can have an important impact on detention decisions in some jurisdictions. In other places, rational intake procedures and coordinated decision-making, are simply lacking.

In an attempt to make criteria governing the detention decision more explicit and to reduce the number of juveniles detained, especially in traditional secure detention, the National Advisory Committee for Juvenile Justice and Delinquency Prevention and other standards-setting groups have recommended a set of criteria for detention decisions (NACJJDP, 1980). The NACJJDP standards state that those who may be considered for possible detention are youths charged with first- or second-degree murder or those charged with a serious property or violent offense who are already on a conditional release,

have a record of nonappearance in court, or have a recent prior record of serious property harm or violence. Fugitives from another jurisdiction may also be detained under the standards.

Conceptually, the decision to detain may be distinct from the decision regarding placement. In fact, depending on the jurisdiction and official making the decision, the two decisions may be a single decision. Rather than deciding, first, whether to detain and then deciding type of detention, an official frequently views the choice as preadjudication freedom or detention in a specific placement (traditional or specific alternative).

However made, the decision regarding place of detention is problematic. The NACJJDP standards recommend that juveniles should not be detained in secure facilities, if there is a less restrictive alternative sufficient to prevent flight or the commission of a serious offense. The problem is that many intake officials do not have the legal option of alternative placements. The other difficulty is that, even where the legal option exists, secure detention is frequently used inappropriately because a more appropriate community-based placement is not available (Pappenfort and Young, 1980).

Alternatives to Court Process: Conflict Resolution

Alternatives to court functions refer not to diversion, from the system, as discussed in a previous section, but to processes in which the case is heard, partly or entirely, in an alternative forum. Mediation and arbitration, frequently referred to as conflict resolution projects, are the most usual alternative processes to continued court hearings.

Mediation refers to the active participation of a third party in the resolution of a dispute. The extent of involvement by the mediator can vary. In some cases, the mediator may play a limited role of clarifying and advising; in other cases, the mediator may be asked to propose detailed solutions. By definition, however, the recommendations of the mediator are not compulsory. Arbitration, in contrast, involves a decision by a third party which is binding and may involve sanctions. Generally, arbitration efforts begin with attempts to mediate.

In some jurisdictions, disposition panels comprising community residents may hear cases referred by the court, and then recommend to the court a disposition which, in most cases, is reached through arbitration with the concerned parties. The judge accepts, modifies, or rejects the panel's recommendation. A variation of the use of a panel is to restrict its membership to a peer group of youths.

A community conflict resolution or arbitration project can accept cases from police, prosecutor, or private citizen complainants. The facts are heard by an intake officer who can either dismiss the case, refer it to the prosecutor,

or notify appropriate parties of their opportunity to have the case heard by an arbitrator.

If the case is heard by the arbitrator, the result may be an informal disposition involving community services, or restitution, or some other conditions, including supervision during a time period whose maximum is limited by a legally established duration. If the youth satisfies the conditions, there is no further processing; otherwise, the case may be transferred for regular court processing. There are several important features to an arbitration or mediation process. First of all, these alternatives to traditional court hearings usually decrease the time from complaint to decision considerably. In a Maryland County project, for example, processing time was decreased from a four- to six-week period under traditional procedures to an average of seven working days from issuance of citation to hearing under arbitration project procedures. Not only are cases decided more promptly, but they also require (not surprisingly) less time of court officials because cases are dismissed, if warranted, and much of the paperwork required by formal processing is omitted.

The arbitration process is often better suited and more satisfactory for misdemeanors involving an offender and a victim who have a personal relationship and a mutual interest in reaching an acceptable resolution than the adversarial proceedings of the formal legal system. The victim also has more opportunity for direct input than in traditional processing.

For those facing charges of delinquency, costs of defense and delay in decision are usually reduced by alternative conflict resolution approaches. Community arbitration can also lead to a reduction in recidivism. For example, 14 percent of control group juveniles in one Maryland County who were processed traditionally were rearrested, but only ten percent of project youths from an exemplary diversion program were rearrested 12 months following program contact (Blew and Rosenblum, 1979).

A primary issue relevant to alternative court functions, as well as other alternatives, is whether the project results in a "widening of the net." In one sense it does. As the report on the exemplary Maryland County project indicates: "The busy court calendar (prior to the project) meant that many juveniles committing misdemeanors would either be overlooked or simply released with a reprimand." In contrast, the diversion project dismissed 31 percent of cases for lack of evidence compared to a four percent dismissal rate for insufficient evidence under previous traditional processing.

Due process is also an issue for court processing alternatives. It appears to be an avoidable problem if participation is voluntary for all parties, not only initially but throughout the process. Should the case go to juvenile court rather than be settled by arbitration, the proceedings and results of attempted conflict resolution should not be available in a judicial proceeding, prior to adjudication, if at all. The juvenile should also retain the right to be represented by an attorney in the arbitration process.

Furthermore, upon completion of any conditions emanating from the arbitration, the record of the citation and proceedings should be sealed.

Alternatives to Incarceration: Community-based Corrections

The phrase "community-based corrections" is shorthand terminology for numerous meanings and a complex reform movement. Historically, the desire to find alternative dispositions to incarceration grew out of disillusionment with state-run training schools and reformatories for juveniles. Such institutions were observed to debase and brutalize their occupants and to isolate and alienate them from normal social contacts within communities, while also exposing residents to contamination from their own negative anti-social interactions with each other. Moreover, the state-run centers became costly to operate and unpleasant workplaces for staff, as well as inmates.

The Juvenile Justice and Delinquency Prevention Act of 1974, along with the various sets of standards for juvenile justice proposed by "blue-ribbon" task groups, thus describes and promotes the use of certain exemplary "advanced techniques" in lieu of more traditional correctional programs. These innovative substitutions for traditional correctional programs include both residential facilities (such as foster care placements, group homes, halfway houses, and special projects for substance abusers, sexual deviates, or juveniles with mental health or retardation problems) and nonresidential alternatives (including home probation, day treatment, supported work and vocational training, crisis management assistance, homemaker and home health care help, community service assignments, and restitution programs).

As described, these alternative correctional programs may receive clients directly at the point of disposition after adjudication, or as part of an early release or parole agreement after a period of incarceration under the regular state correctional system. For purposes of this monograph and FGTAD technical assistance to alternatives, such community-based correctional programs must be operated and controlled by public or private agencies or organizations other than an official corrections department. Usually, the community-based correctional programs just described are operated as direct extensions of the traditional and institutional system or through subcontracts with nonprofit agencies.

Generally, the definition of community-based correctional alternatives also encompasses certain assumptions about program size, security, location, and participation/involvement of consumers and community representatives. Indeed, the several sets of standards provide specific recommendations about the maximum bed capacity for different types of community-based residences (e.g., 4 to 12 beds for a group home and no more than 20 beds in a detention center). Community facilities are usually thought of as less secure than training schools, although the variations along this dimension may be broad--from completely open access to almost total restriction.

Community-based correctional alternatives are also expected to be closer to offenders' homes than state-run, centralized facilities. However, the term "community-based" often refers to county or municipal jurisidiction rather than state control, and such programs are seldom available to each local neighborhood community or township. In point of fact, families in large urban centers may have almost as much difficulty getting permission and finding transportation to visit some community-based programs as they would to see relatives in state institutions.

Juvenile offenders who are assigned to community-based dispositions theoretically have a closer involvement with the program, at least to the extent of participating in the development of an individualized service plan, than do delinquents who are sentenced to custodial institutional care. Similarly, these community facilities purportedly bring local citizens into the program as volunteers, family representatives, service providers, advisors, and such, and thus help bridge any barriers between consumer participants and their embedding environments.

As more and more community-based alternatives to traditional correctional programs have been developed and evaluated, questions have been raised about their primary or competing purposes, effects, and relative efficiency. The very justifications offered to support their design and utilization have, in some cases, been undermined and at least partially refuted. The major issues usually raised in these arguments about the importance of community-based alternative correctional programs or sanctions pertain to their successes or failures at:

-- Decreasing incarceration rates in traditional institutions without widening-the-net of social controls;

-- Reducing recidivism through more effective and durable rehabilitation;

-- Lowering costs to the system;

-- Offering more humane environments; and

-- Encouraging better community reintegration of delinquents and misbehaving youths.

Recent critiques of alternative correctional programming that summarize findings from well-designed evaluative studies and note other qualitative observations are not sanguine about the unmitigated benefits of these innovations and much touted projects (McSparron, 1980; Hylton, 1982; Austin and Krisberg, 1982). With regard to the impact of community alternatives on the reduction of prison or training school populations, there is little evidence that such effects have been produced. Even in states that have enacted special legislation to encourage the establishment and use of community-based correctional programs (e.g., California and Minnesota), prison populations

appear to have swelled, not declined, despite overall decreases in both arrests and convictions. Even when the populations of state correctional facilities have dropped, related and proportional increases in incarceration rates have often been observed at local jails and detention centers (Hylton, 1982; Austin and Krisberg, 1982).

Related to the issue of reduced incarceration is the inverse question about whether community-based alternatives actually widen or intensify the net of social and judicial controls that are exercised. Although findings are somewhat inconsistent on this point, several studies (Hylton, 1982) have demonstrated that offenders who are assigned to either community service or restitution programs are apt to have been drawn from groups that would have received probation with little supervision or restriction, had these new programs not been created. Even more disconcerting are similar findings regarding residential community-based alternatives. According to these studies, many offenders who were assigned to rather restrictive facilities would ordinarily have been given probation rather than incarceration if the new residences had not been available. The effect of at least some alternatives then has been to increase the overall numbers of persons under some form of supervision and also to intensify the restrictions on many offenders.

These effects would be somewhat less disturbing if community-based correctional programs appeared to be effective in rehabilitating participants and thus reducing the recidivism rates of graduates. Again, as discussed in a later section on specific alternatives, there is a lack of clear evidence that either residential or nonresidential community-based approaches have reduced the recidivism rates of their participants when compared to results from more traditional incarceration and release. The findings in this area have been conflicting, however, and problems with research designs are readily apparent in the few existing studies (Austin and Krisberg, 1982; Hylton, 1982; McSparron, 1980).

Another common argument favoring the use of community alternatives in corrections is their relative cost efficiency compared to prisons and reformatories. In fact, however, per diem costs for residents of community facilities are not always lower than those for large institutions, especially if hidden or indirect costs are factored into the calculations. For example, the additional costs to the community and justice system for crimes committed by offenders under supervision in nonsecure care should probably be added to the budgets for direct operations. Likewise, uncancelled fixed costs of prisons, whatever their population, must be borne by the taxpayer as long as these facilities are open. Community facilities tend to have high administrative costs when they are run as small independent units, and there is usually a direct correlation between the intensity and quality of services provided in a program and the overall budget for that operation. According to Hylton (1982), good quality residential care costs about the same in a community as in a more traditional correctional institution.

In summary, those making cost comparisons should also bear in mind the anticipated design of the entire correctional system and whether community-based alternatives are ultimately expected to replace components of the current network, or merely to supplement and augment more traditional institutions. Parallel or duplicative systems are unquestionably expensive to operate. Those preparing budgets for correctional services should note these future expectations for innovative alternative projects.

Perhaps the most persuasive justifications for establishing community-based alternatives are humane concerns about avoiding the degradation, cruelty, deprivation, exploitation, and loss of self-esteem that are so often associated with incarceration in traditional institutions. Yet, even on this dimension, community-based alternatives are not automaticlaly superior to prisons and training schools. Hylton (1982) cites situations in which community-run facilities house more than 100 offenders in a subsistence environment. Similarly, the constraints and restrictions of some halfway houses in terms of curfew requirements, personal privacy invasions, or mandatory participation in counseling or religious programs, can be as encapsulating as procedures in more traditional correctional facilities. In nonresidential alternatives, community probation case loads quite frequently exceed 100 per worker and the concept of service is a joke. Even when rehabilitation is attempted, services may be entirely inappropriate or limited to counseling instead of practical skill development (McSparron, 1980).

Placement in a community setting does not automatically guarantee that more opportunities will be made available to the offender than were offered when he or she was a member of the free community. Furthermore, some adjudicated delinquents find the constant temptations of partial supervision in a relatively open residence to be overwhelmingly stressful. Unfortunately, the consequences of failure in a community facility can sometimes be more severe than might occur from institutionalization in a secure unit. The total length of time served in simple incarceration with a definite release date can be shorter and less stressful for some than the amount of time spent under community supervision, if failures entail a return to earlier, more secure, program phases and sentencing is indeterminate.

Several other unintended effects of community-based correctional alternatives should also be noted for planning bodies to consider when advocating these projects. Prisons, first of all, may experience residual effects from opening alternatives if the remaining incarcerated offenders are all committed for serious and predatory charges. Violence is likely to escalate among this group which may, in turn, inspire intense and repressive reactions from staff in a cycle of increasing control and rebellion.

In the community, failure to develop a network of well-run alternatives (particularly if deinstitutionalization is seriously undertaken) can have disastrous consequences. The experiences of city welfare and social service agencies with the indigent aged and mentally impaired after the rapid emptying of mental hospitals and the availability of Medicaid/Medicare funds should

serve as warnings to the correctional field. The proliferation of nursing homes and other community shelters without adequate standards for care and monitoring requirements precipitated countless unnecessary abuses for the unprotected elderly and the mentally ill. Retaliation on society is a more likely consequence from frustrated offenders who are given short shrift than from other disenfranchised or handicapped minorities.

This sort of provocation needs to be avoided for humanitarian reasons and also to help keep negative publicity to a minimum. In a political climate where the public is always balancing a fear of crime and a desire for security and protection with an understanding of treatment/rehabilitation issues, unintended negative repercussions should be minimized. This sort of situation may also occur when community agencies, in the best interests of all their consumers, try to intermingle offender populations with regular clients. Although this technique is advocated as part of an effort to familiarize offenders with community norms and expectations for conformity, the regular voluntary clients may realistically be forced to compete for services with an involuntary offender group that often gets priority as a result of court orders. Resentment may be the result and be translated into continuing stigmatization and negative labeling of offender groups--an outcome that is not desired.

Another exploitation of offenders in community-based alternatives sometimes happens inadvertently when groups of delinquents are relabeled as substance abusers or mental problem cases in order to receive placements where reimbursement funds are available for treatment slots. This transfer of authority from one bureaucracy to another that is not accountable to the juvenile justice system carries the potential for violation of due process rights, as well as a labeling of the client with a diagnosis that may be more difficult to overcome, in the long run, than that of an adjudicated offender.

DESCRIPTIONS AND EVALUATIONS OF SPECIFIC TYPES OF ALTERNATIVE PROGRAMS

As noted earlier in this chapter, community-based alternatives to traditional components of the juvenile justice system can be classified and described in several ways. The preceding subsections depicted alternatives as substitutes for particular functions of the system, such as detention, court processing, or corrections. Many alternative programs have additionally been described and evaluated by their special programmatic labels as counseling services, restitution projects, foster care residential placements, and the like. This section of the chapter summarizes recent evaluation findings regarding alternatives as program models. First, however, the criteria most frequently used to evaluate these alternative programs are discussed in relation to their applications and limitations.

Criteria to Evaluate Alternatives

Effectiveness and cost are the two most common criteria, or outcome measure, used to compare generic types of alternative programs. Each of these criteria can be misused if design specifications for research are not carefully conceived and implemented. The following paragraphs suggest some of the hazards of poor evaluation research and the cautions that must be exercised in interpreting results, or attributing too much significance to unreplicated findings from small samples or inappropriate comparison groups/studies.

Effectiveness--Effectiveness in juvenile justice system programming usually refers to rehabilitation of the offender, and the usual indicator of rehabilitation is recidivism, or whether the commission of delinquent acts by released juvenile offenders ceases or decreases over some period of time. Despite the widespread use of recidivism to study the effectiveness of rehabilitation, there are some issues and problems concenring the application of this measure (Waldo and Griswold, 1979). One problem is that data to establish recidivism are usually derived from an official record. Much crime goes unreported and individuals are not always apprehended for illegal activity; therefore a true measure of recidivism is nearly impossible to obtain.

A second problem with recidivism is that it reflects not only changes in the offender, but also the response of the system. Differences in the vigor of law enforcement, prosecution, and philosophy of judges will affect recidivism rates.

However, there is a counter argument to the first two criticisms of recidivism. While these problems do prevent an accurate determination of the true recidivism rate and do affect comparison across studies, they should make no difference in a comparison of an experimental and control group in any particular study. There is no reason to believe that differences in recidivism rates between an experimental and control group will be affected differently by practices of law enforcement, prosecution, and judiciary.

Another criticism of recidivism is that there is little agreement among separate studies about the time frames for follow-up that are used and the indicators of recidivism that are selected (e.g., a new arrest, conviction, commitment or probation/parole revocation). Again, this does not affect the comparison of experimental and control groups in a particular study, but it does make it difficult to compare results across studies.

Recidivism is also criticized for not being sufficiently sensitive to reductions in the frequency or severity of repeated offenses. This criticism is especially relevant to studies where recidivism is defined as a dichotomous variable (i.e., the indicator of recidivism is whether or not the youth committed another crime). In such studies, offenders who commit crimes of

less significance and/or commit crimes less frequently after a program intervention are not given credit for achieving some measure of rehabilitation.

Finally, the use of recidivism, alone, as an indicator of success makes it impossible to determine why a program has worked or failed. Additional outcome measures, or more importantly, a theoretic base (Elliott, 1980) and a detailed description of the intervention, are crucial to an in-depth evaluation and understanding.

Costs--The cost criterion has become especially important recently, and one of the major arguments for alternatives is that they are less expensive than traditional processing in public programs. There are numerous difficulties, however, in making cost comparison. Compared costs should occur in similar geographic areas and time frames, or else be adjusted for regional variations or cost-of-living changes. If the intention is to compare similar types of programs, then the types of services provided should also be similar. Also, a monetary value should be assigned to any free or contributed items, so that the real cost of a compared program is not understated.

Sometimes costs are compared within the context of weighing different strategies. For example, the average monthly cost of traditional institutional placement may be compared to the cost of placement in community-based residences. However, to choose between these alternative strategies, additional factors should probably be considered. The correctional institution has certain fixed costs, such as building maintenance, administration, and such, which will not necessarily decrease if the population of the institution declines. Therefore, if state funding of community-based alternatives results in only a small or moderate decrease in the institutional population, the costs of running the institutions may not decrease appreciably, and the state may be paying for the community-based residences as well as the institution.

Another consideration in comparing costs of different strategies is the possibility that a particular strategy may "widen the net," processing or serving youths who otherwise would not be affected. The apparently lower cost per youth processed or served will be offset by the increased costs of extending the process or service to additional youths.

Residential Alternatives

Among alternative programs that have been developed to replace or supplement traditional correctional institutions or detention facilities are community-based residences, group homes, foster care placements, and wilderness programs. The following paragraphs describe the usual services provided in such programs and also their impact on the juvenile justice system as found by evaluation studies.

Community Residences--Community-based residential programs refer both to secure and nonsecure facilities that usually house a dozen or more youths and offer a range of services and intervention techniques. A review of the effectiveness of larger community-based residences shows mixed results. Empey and Lubeck (1971) and Empey and Erickson (1972) found that community-centered corrections produced larger reductions in recidivism than the institutional comparison, while Coates, Miller and Ohlin (1978) found the opposite results--that youths in community-based programs had a higher rate of recidivism than those in training schools. However, areas of Massachusetts (according to the Coates, Miller and Ohlin study (1978)), that had the greatest diversity of community-based programs and those programs that had the greatest linkages with the community did effect decreases in recidivism over time.

Costs of a community-based system in Massachusetts, which included all types of placements, were similar to those of the traditional training school system. However, costs of specific community-based alternatives, like group care, were less than those for secure facilities. Community-based facilities did have other advantages (viz., less threat of physical force to the youths) expanded contact with the community; and short-term, but not long-term, improvements in self-image. The missing link, the authors concluded, was follow-up contact with and services to those released into the community.

A second well-known community-based program was Unified Delinquency Intervention Services (UDIS), which served as a clearinghouse for group homes, counseling services, and an entire range of community-based residential and nonresidential alternatives in Chicago (Murray and Cox, 1979). The approach to this program for serious offenders was to perform a careful diagnosis, negotiate a performance contract with the youths, provide an appropriate placement, and arrange for services.

Although the results of the evaluation of the program are controversial, the study found that institutionalization, either at traditional training schools or community-based residences, was more effective than nonresidential programs in reducing recidivism. In comparing types of institutionalization, community-based facilities included in the study were more effective, overall, than training schools.

Group Homes--A group home in which no more than 12 youths reside provides a home-like atmosphere that is somewhat more closely supervised than a foster home, but it still maintains a nonrestrictive environment (U.S. Department of Justice, Standards, 1980). Youths living in group homes usually spend a substantial amount of time in the community attending school, working, or attaining needed services. In most cases, the homes are supervised by a paraprofessional married couple who are on duty 24 hours a day, with relief provided by another adult or couple. Other group homes use staff who alternate 24-hour shifts.

Romig (1978) reviewed three studies of group homes. In the first study, the treatment group had a recidivism rate higher than the regular probation group

and similar to the institutional group. In the second study, there were no significant differences in redicivism and reduction in offenses between youths randomly assigned to a group home and those assigned to a relatively open treatment-oriented institution. In the third study there were no significant differences in parole revocation between a treatment group of youths placed in a group home and a control group of youths who lived in their own homes. Studies of halfway houses wre also reviewed, and these showed no benefits for the experimental compared to the control group. Romig's conclusion about community-based residential programs, in general, was that there is nothing inherent in this type program which makes it intrinsically effective. Rather, the effectiveness of community-based residential programs depends upon the type of intervention used.

Wilderness Programs--Wilderness programs use physical activity--backpacking, biking, rock climbing, and such--in a very demanding natural setting. The rationale behind the program is to provide youths with the chance to meet a challenge, develop a strong self-concept, and learn how to function cooperatively in a group.

One fundamental aspect of the wilderness programs is group interaction. Programs usually consist of 10 to 15 youths led by two or three adult leaders for a period of either four to ten weeks or six to nine months. The youths are placed in situations in which they must rely on others and learn how to resolve disciplinary and/or other problems. Anyone can call a group session which all participants are expected to attend. The group focuses on specific individuals and problems in a very confrontative, but not physically aggressive way.

Another important part of the experience is the survival mission. In this scenario, youths are placed in a potentially dangerous wilderness situation in which they must rely on their own skills and knowledge to survive. The success in meeting this challenge and developing a sense of pride is then supposed to help youths succeed in other stressful situations in life.

Two evaluative studies of wilderness programs were reviewed by Romig (1978). The first found that there were no significant differences in recidivism rates between the two groups after five years. Although another study of the same group also found no significant differences several months after the program, it did find improvement of the experimental group after one year. A study of a California program found no significant differences between those youths in the wilderness program and those in an institutional control group.

Romig suggests that wilderness programs will fail unless the same structure of high challenge, high support, teamwork, and recognition are continued in the situation to which the youths return. Just as planning and survival skills were taught for the wilderness setting, they must also be taught for urban situations. Romig suggests that wilderness programs might benefit by adding a transitional component, residential or nonresidential, in which youths can learn relevant reentry and reintegration skills for community living.

Foster Care--Foster homes offer certain programmatic and administrative advantages (U.S. Department of Health and Human Services, 1981). They provide a homelike atmosphere and also provide the opportunity for close and personal supervision because of the limited numer of youths in one home (from one to six). From an administrative view, the foster home involves no capital expense and only minimal operating expense. The foster parents generally receive a monthly reserved accommodations fee to guarantee their availability and then a per diem rate whenever a child is placed in their care. Foster care may be appropriate for juveniles at various stages of the juvenile justice process--as an alternative to detention, in conjunction with diversion, after adjudication, or after secure care. Foster care is useful where secure care is no longer needed, but the juvenile cannot remain at home. It has been used successfully with status offenders and abused children as well as delinquents.

Traditionally, foster care has been viewed as a rescue operation to remove a child from the damaging influences of his home. Under this concept there was an attempt to separate the foster family as much as possible from contact and potential hostility from the child's family, More recently, foster care agencies have begun to recognize the biological family as a client and have respected the child's attachment to his family, whatever its shortcomings. This has led to a rethinking of the foster care process and a redefinition of the foster family's role.

Emphasis is now focused on planning as quickly as possible for permanent placement. The speedy return of the child to the home is a first priority. With this goal in mind, the need to maintain the child's attachment to his or her own family through frequent interaction has surfaced in a new way. Rather than separating the child from the family as much as possible until such time as return home is contemplated, the need is now to assure as much contact as possible, when the return home is viewed as imminent. Foster parents are then groomed to assist in this process.

Nonresidential Alternatives

Alternative programs that do not have a residential component have also been established as substitutes for traditional juvenile justice system function. These programs may serve as community-based sanctions in lieu of more conventional fines or sentences to institutions. Some of these services may also be used in diversion programs or as part of alternatives to traditional detention. Programs here categorized as nonresidential include:

-- Restitution and community service;

-- Alternative education;

-- Vocational and work programs; and

-- Multi-service centers.

A subsequent subsection describes different intervention techniques that may be used as part of these service approaches, such as casework, group counseling, behavior modification, and family therapy. Again, findings from evaluation research are presented as current evidence of the general effectiveness of these services and interventions.

Restitution and Community Service--Restitution is defined as a sanction in the form of a payment made by the offender to the victim and/or community. This payment may be direct monetary remuneration, service to the victim, or service to the community. Although it is true that various jurisdictions may incorporate additional components with this payment (e.g., job development, victim assistance), the transfer of money or service from the offender to the victim and/or community is the basic feature which defines restitution.

Over the past two decades, both financial restitution and community service have gained renewed interest as alternatives to traditional sanctions for offenders. While there are many reasons for this, the primary factors appear to be:

-- Growing awareness of the justice system's responsibility to the victims of offenses;

-- Disillusionment with traditional sanctions;

-- Concern with the disparity between the offenses committed and sanctions imposed.

The past practice of granting offenders the dispositional option of monetary restitution as an alternative to incarceration raised serious legal and ethical issues. In effect, it limited that option only to those who had ability to pay and thereby may have discriminated against those unable to pay. However, there are presently three types of restitution which can be appropriately and creatively applied to preclude such issues:

-- Monetary--The offender pays money to the victim for property damages the victim sustained as a result of offender's wrongdoing (e.g., replace broken windows) or the offender pays a negotiated amount of money to satisfy the injured victim and/or to restore his circumstances to their precrime condition;

-- Direct Victim Service--The offender performs services for the victim for a certain period of time as a way of making amends to the victim for the harm caused. Direct victim service is also a way of showing the offender the extent of the harm caused to the victim as a result of his/her crime; and

— Symbolic Service—The offender performs volunteer service for the community to make amends for his/her crime (e.g., work for the YMCA).

Obviously, restitution is not a panacea but it can entail a community-based alternative to incarceration by the criminal justice system.

Alternative Education—Alternative education programs fall into two main groups (OJJDP, 1979). The first consists of policies and programs intended to control and change the behavior of individual students. Traditional suspension and expulsion policies are included here, as are in-school suspension programs, behavior contracts, work assignments (as restitution), counseling, tutoring, compensatory education, and time-out rooms. Such programs have shown mixed success in changing the behavior of individual students.

A second set of approaches is directed at altering the school environment, itself, to make it possible for more students to succeed, and to eliminate some of the factors that contribute to truancy, disinterest, dropping out, failure, violence and vandalism. These approaches have been described as "improving school climate" through separate alternative schools, schools within schools, and other similar efforts.

Some examples of alternative education programs are presented below:

— Time-out Rooms—In many schools, in-school suspension and time-out rooms amount to the same thing. The distinguishing features are:

  — Time-out rooms may be used at the discretion of the student as well as at the discretion of teachers and administrators;

  — Time-out rooms are more likely than are in-school suspension centers to offer counseling and to be oriented around working out difficulties rather than punishing misdeeds; and

  — Time-out rooms are more likely to be set up as comfortable places in which a student can retreat, cool off, think things through, or work out a written plan for improving relations with one or more teachers.

— Behavioral Contracts—A behavioral contract is an agreement between a student and a teacher or principal which is jointly negotiated, written, and signed by both parties. It specifies a disruptive incident, the general promise not to engage in such behavior in the future, and specific agreements made with the student. The agreement with the student should reflect reasonable expectations for improved work and behavior. It should specify the role to be played by both teachers (e.g., tutoring) and parents (e.g., scheduling homework) as well as the student (e.g., student not to cut class for the next two weeks). It should also specify a time frame for the contract, so that progress can be judged and recorded. Upon successful completion

of the contract, a report about the student that commends good behavior, as appropriate, should be put into the student's records and should be conveyed to the teachers.

Vocational and Work Programs--Vocational training, occupational orientation, job placement and work programs have frequently been used as a means of preventing recidivism. After a review of 12 work-related programs, Romig (1978) concluded that these programs did not reduce recidivism. However, some programs did work, and the difference was that youths involved in successful programs were provided opportunities for advancement or given educational skills or diplomas which would lead to advancement. Jobs with career ladders and skills for starting new and competitive businesses appeared to keep youths out of trouble. Effective programs also provided follow-up help, problem-solving skills, and career decisionmaking skills.

Multi-service Centers--Multi-service centers do not represent a single or specific approach to reducing delinquency. Instead, they are a mechanism for providing a broad spectrum of services through a single, easily-accessible source. In addition to direct assistance, they also provide carefully monitored referrals to other community agencies. Generally, multi-service centers offer many kinds of services, e.g., sex and drug counseling, crisis intervention, individual casework, coordination of services to youths, group work involving counseling and educational assistance, referrals to cooperating agencies, and legal representation. Often recreational and cultural programs, counseling for youths on probation, and legal education for neighborhood residents are also sponsored.

The multi-service centers can help not only youths who have been involved in a criminal offense, but also those youths who are status offenders, or who need help with impossible family situations, with finding meaningful activities, or with finding people who care. Because multi-service centers refer more to the process for providing services than to direct interventions, there have been no specific evaluations of their effectiveness in reducing delinquency. However, on the basis of theory, they should be considered an effective and efficient approach to community-based service delivery.

Alternative Intervention Techniques

Community-based alternative programs may use a variety of intervention approaches in their work with juveniles. According to evaluative studies, some are more effective than others. The next subsections present this evidence for five intervention alternatives.

Individual Psychotherapy--The results in eight out of ten studies reviewed by Romig (1978) which utilized psychotherapy were negative in terms of decreasing recidivism of released offenders. In one study the results were positive for those youths diagnosed as amenable. In only one study were

significantly different and positive results achieved. Romig concluded that individual counseling and psychotherapy as traditionally practiced are not ordinarily effective. However, he suggested that one model of psychotherapy may be worth implementing. To be successful, therapists should:

-- Talk with and get input from the individual;

-- Diagnose the problem and the problem setting;

-- Set behavior goals;

-- Practice new behavior in the problem setting;

-- Observe results of the practice directly; and

-- Evaluate, and if necessary, modify the goal.

Further, each staff person, including the cook, nurse, and supportive staff, should be provided counselor training.

Casework--Romig (1978) reviewed ten studies of programs in which casework coordination was the important program ingredient. Results showed that casework was not effective in rehabilitating youths. He emphasized three basic phases to case work: diagnosis, recommendations, and direct services, arguing that case work programs which emphasize only diagnosis and recommendations will fail. Programs that add direct services can, at best, be effective as long as the services continue. The better strategy, he argued, is to enable the individual to function on his own and to have a case worker follow up periodically to ensure that this functioning is maintained. Although Romig did not state it explicitly, a youth may be able to function adequately on his own, yet still not refrain from committing offenses.

Group Counseling--Romig (1978) reviewed 28 studies of group counseling. Some groups used psychoanalytic techniques, including psychodramas and role playing. Rehabilitation effects, in most cases, were either neutral or negative. Most of the studies showed that group counseling was ineffective at the time it was being provided. Romig pointed out that, where counseling did seem to have positive results, the effect is lost when the service is discontinued.

The reason for the failure of group counseling, Romig argued, are that there was no objective diagnosis of the youths' problems, no development of a program plan, no reinforcement for positive progress, and no follow-up to transfer the group learning experience to other phases of participants' lives.

Behavior Modification--Behavior modification is based on the assumption of learning theory--that behavior is learned and can be changed. In juvenile justice, it refers to the use of positive rewards and sanctions to discourage unwanted and illegal behavior and encourage positive behavior. Performance

contracts which make expected behavior and accompanying rewards very explicit are a frequent component of the approach.

In a review of 14 studies, Romig (1978) found that behavior modification did work in many cases to accomplish specific objectives, such as improved reading achievement scores or increased work performance. However, none of the programs studied showed a difference in the recidivism rate. Because the programs were effective in reaching intermediate objectives, however, Romig suggested that the following program elements were important in that accomplishment:

- If youths are rewarded or punished, they should know the concrete behavior that caused the consequences;
- Behavior modification will work only when the behavior to be changed is specific and behaviorally simple; and
- The more youths are involved in the process of behavior modification, the more are the results apt to be positive.

Family Therapy—After a review of 12 studies, Romig (1978) concluded that some types of family therapy may be successful in reducing the recidivism of status offenders, but not effective with youths who committed nonstatus offenses. The type of family therapy that seemed to make a difference for status offenders focused on improving behavior toward positive goals, or teaching parents communication, problem-solving, and disciplinary skills. Romig also recommended that in order to determine whether family treatment was needed, the family—and especially the youths—should be diagnosed in a "live" setting where their problems and interactions can be observed.

SUMMARY

This chapter describes alternatives to the juvenile justice system in two ways; namely, as:

- Community-based options to the traditional justice system components of intervention decisions (diversion), court processing (conflict resolution), detention, and corrections; and
- Innovative programmatic approaches to residential care, nonresidential services, and intervention techniques.

These two classification systems for alternatives were selected because recent evaluation studies assessed the relative effectiveness and efficiency of these approaches compared to more traditional modes and methods. Findings from the literature of evaluative research and other issues of concern to the field of

juvenile justice were, therefore, presented as part of the discussion following each categorical description.

Two common concerns were ascertained as issues for alternatives when viewed as substitutes for traditional processing activities or dispositional resources:

— A strong potential for "widening the net" or including youths within the purview of the justice system who, before the development of alternatives, would have remained outside its jurisdicition; or exercising more restrictive social controls over youths in the system than would have been the case prior to establishment of alternatives; and

— A tendency, on occasion, to violate youth's "due process" rights by mandating treatment or assigning sanctions before a finding was made regarding the complaint or charge before the court.

Other more specific problems and strengths of these different alternative categories were also identified. These included findings that:

— Diversion projects have not generally proven more effective than continued processing or simple release in reducing the stigma associated with court involvement, or improving the social adjustment and conforming behavior of participants;

— Conflict resolution projects, in contrast (particularly mediation and arbitration services), appear to decrease the time from complaint to decision considerably, reduce the courts' costs and personnel time involved, reach more acceptable agreements between the victim and offender than the legal system, and even reduce participants' recidivism;

— Community-based alternatives to secure detention (especially home detention, foster care, and group home placements) offer promising mechanisms, despite many potential problems, for reducing system costs and providing more humane care while awaiting adjudication and dispositional decisions; and

— Community-based correctional alternatives are not necessarily more effective than traditional institutions in decreasing recidivism, lowering costs, offering humane environments, or even lowering the incarceration rates for offenders. Therefore, services must be thoughtfully designed and monitored for unintended impacts, if alternative correctional programs are to be implemented.

Before alternatives were described as programmatic approaches or intervention techniques in the second part of this chapter, the criteria for evaluating these categories were examined. The criterion of effectiveness was found to be more frequently applied, with the usual measure of effectiveness being

recidivism. The evaluations found that alternative community-based residential centers, wilderness programs, and diversion projects did not usually reduce recidivism. As Romig (1978) noted, there is nothing inherent in a community program that will rehabilitate delinquent youths. Furthermore, as long as community-based programs utilize approaches that failed in other settings, these will probably also fail in a community setting.

Yet, of those alternatives for which evaluations were available, it seemed that some were effective. Among those which appeared promising were programs that diagnosed each youth's problem in a particular area, set a behavioral goal or skill, gave the youth an opportunity to practice the new behavior or skill, evaluated his/her performance, rewarded the youth for successful behavior, and modified rehabilitative goals as necessary.

A second criterion used to evaluate alternatives, in addition to effectiveness, was cost. It was not clear, however, whether alternatives, as a generic approach, were less costly than traditional processing or programs.

In conclusion, it appears that alternatives are not necessarily more effective or less costly than traditional justice system processing and dispositional placements. Yet there is the likelihood that individual alternatives and interventions do achieve their goals and, in certain circumstances, are preferable.

CHAPTER 5

STRATEGIES TO BE SUPPORTED BY OJJDP TECHNICAL ASSISTANCE

INTRODUCTION

The previous two chapters of this monograph introduced the current theories that are most often cited as explanations for juvenile delinquency, and summarized the evaluative research efforts that have supported these theories and their applications in community-based programming alternatives to traditional functions of the juvenile justice system. This chapter will translate those theories and evaluation findings into a set of general policy guidelines for considering and approving technical assistance activities in this goal area of alternatives to the juvenile justice system.

The first section of the chapter describes general approaches to system change that advocates can adopt to create support for community-based alternatives. The second section sets minimum criteria that requests for technical assistance must meet before FGTAD approval will be granted, and the third section summarizes the desirable characteristics of community-based alternative programs. The fourth section further defines and describes the substantive areas and provides examples of the types of help that will be extended through technical assistance, and the fifth section depicts the modes of technical assistance that are available.

ESTABLISHING A SUPPORTIVE CLIMATE FOR COMMUNITY-BASED ALTERNATIVES

The juvenile justice system is a final forum for the expression of social controls that govern the behavior of youths in our culture. These social controls are in a constant state of change as laws evolve to reflect ever-fluctuating public attitudes and mores as well as the impact of economic variations and new methods or technologies for influencing behavior. Changes in the juvenile justice system and its relationshisp with other bureaucratic and institutional systems can be either reactive or proactive as ideologies, personal power bases and economic situations reflect current social realities.

The recent trend toward the establishment and use of alternatives to the juvenile justice system has resulted primarily from reforms advocated by private sector idealists or public servants from the least powerful branches of the justice system (viz., probation and parole office representatives). Further change efforts, particularly in a political climate where harsher

penalties for offenders and greater protection of public safety are advocated, will be difficult or impossible, unless carefully planned strategies are adopted. The following recommendations are offered as guidance for technical assistance applicants that are trying to establish a climate for change within a particular system:

1. Stress Those Characteristics of Alternatives That Create Incentives to Their Adoption--As alternative programming is advocated in a community, certain attributes or features of each proposed project will be natural selling points, while other factors will require negotiation to overcome local resistances. As a group, certain generic features of alternatives usually make them attractive to juvenile justice decisionmakers. For example, alternatives may provide a service or accomplish a task that is problematic in the more traditional justice system. Thus, conflict resolution projects can more easily process many cases that are very time-consuming, not serious, and involve tangled interpersonal relationships that traditional courts have difficulty handling through adversarial procedures.

   Alternatives, especially those operated by the private sector, may allow justice system administrators to avoid some cumbersome and inflexible legal or bureaucratic procedures. For example, an administrator of a juvenile correctional facility may find it very difficult to implement an innovative program requiring special staff qualifications that are not readily available through the Civil Service system, whereas a private agency can be immediately responsive. Similarly, a community-based program may have internal program provisions for early transfer of a youth to a less secure phase while such a transition in the traditional system would require formal approval of a parole board because a change in status is involved.

   In similar analyses of social service projects, Aaronson, Kittrie, and Saari (1977) found that certain factors contributed to their acceptance by a community or a desired constituency, while other characteristics tended to generate opposition. Some of the conditions that influenced acceptance were:

   -- A potential for a positive and substantial impact on an identified problem;

   -- Compatibility with other preexisting program components, so that few points of coordination were required during implementation of the innovation;

   -- The ease with which major project goals and accomplishments could be communicated, observed, understood, and used;

-- The degree of segregation between phases or components of the project that would allow separate sequential implementation and modification of small units before a larger application was attempted; and

-- The relative costliness of the project and its funding sources (viz., diversion of local resources from traditional programs tends to be resisted unless the new proposal demonstrates the means to eliminate even greater expenditures).

2. Incorporate Current Research Findings into Clear Policy Guidelines to Gain the Support of Key Decisionmakers—As research and evaluative findings are assimilated, they should be translated immediately into clear and consistent policies with attendant guidelines that can be communicated easily to key decisionmakers to gain their support for the widespread use of community-based alternatives. For example, current evaluation studies consistently pinpoint the need for individualized assessment and treatment rather than categorical programming related only to the offense (Roming, 1978; Coates, Ohlin and Miller, 1978). Community-based alternatives should guarantee personalized treatment planning and service provision and this linkage should be a strong selling point to decisionmakers.

3. Forge New Political Coalitions that Can Express Consensus--Constituencies to back key decisionmakers must also be developed if power is to be expressed in actions that support alternatives. The formation of such constituencies might be manifested, for example, as a community advisory board that can help plan and monitor alternative programs, or as an independent public agency that is responsible for proposing sentencing alternatives. Such constituencies may also be needed to support legislation that mandates community programs, authorizes needed resources, and constrains other negative forces that potentially interfere with the utilization of community-based alternatives, such as construction funds for new prisons or mandatory sentencing.

4. Influence Fiscal Subsidies/Disincentives—The fastest and most consistent change agent that can be used to develop and support community-based alternatives is funding. Subsidies and fiscal disincentives are more powerful in changing behavior at the institutional level than the most intensive and rational verbal persuasions. Fiscal incentives may range from outright grant awards for pilot demonstration projects to cost-reimbursement programs or formula funds. Formula funding may be tied either to desirable outcomes such as the reduction of prison population rates and compliance with selected standards or linked with characteristics of a base population, such as per capita expenditures for corrections, taxable income, proportion of high-risk age categories, urban/rural representation, and the like. These fiscal actions must be very

carefully monitored to assess their intended impact because unanticipated consequences frequently ensue. Subsidies in California and New York that encourage local probation services in lieu of incarceration in a state institution, have not, for example, always achieved their desired outcomes. Similarly, a disincentive to using state correctional facilities in New York contributed to overcrowding in jails and other facilities at the local level (McSparron, 1980).

5. Conduct Needed and Well-designed Research Studies--As alternatives are proposed and implemented, evidence must continually be amassed regarding their effectiveness, risk, costs, and overall impact on the juvenile justice system. Although a few definitive evaluative findings favoring community-based alternatives can be used to generate principles and set policy, many more examples are needed to gain crucial support and overcome resistances. Therefore, each new alternative program should have a carefully designed research component that is structured to add knowledge to the current state-of-the-art.

   Critics of shoddy evaluations which have been conducted in the past, point to such shortcomings as lack of experimental designs, inadequate sample sizes for exploration and testing of interactive effects, failure to randomize group assignements, and poor description and documentation of the intervention on trial. Experts in the subject area of alternatives also report a scarcity of research findings regarding the efficacy of these innovations in comparison with more traditional efforts, and the need to discern the attitudes of all parties affected by these alternatives, including practitioners, legislators, public citizens, victims, and offenders.

CRITERIA FOR APPROVING TECHNICAL ASSISTANCE FOR ALTERNATIVES

In addition to the foregoing general approaches to change that will be encouraged through technical assistance assignments, applications for assistance through FGTAD must meet the following six minimum criteria:

1. Applicants should already be directing, or proposing to establish, programs/strategies that are either:

   -- Innovative state-of-the-art concepts/operations that have a high probability of widespread acceptance as alternatives by traditional juvenile justice systems; or

   -- Already-tested concepts/techniques with positive evaluation results that need further replication for validation, or large-scale implementation by a municipal system, a state, or a national organization.

2. Programs/strategies should focus on individual youths who have been alleged or charged with misbehavior or delinquency rather than on classes of endangered "high-risk" youths who are appropriate targets for primary prevention programming. In other words, alternative programs should include only those youths who have already been contacted or apprehended by the police, or who have come before a court intake worker through parental, private agency, citizen, or police complaints.

3. Programs/strategies should not be directly controlled by an agent of the traditional juvenile justice system, but should be operated by other public agencies (e.g., Child Welfare, Department of Social Services, State Vocational Rehabilitation, and the like) or private groups (e.g., nonprofit planning federations, United Way agencies, civic associations, professional membership organizations, and the like).

4. Program/strategies should be replicable and viable within a complex juvenile justice system environment and offer a realistic, cost-effective option to traditional system components, rather than an esoteric model applicable only to a single unique locale or situation.

5. Programs/strategies should offer a significant option in terms of the number of youths who can be accommodated either in current operations or proposed expansions in the near future. In developing or responding to requests for technical assistance, FGTAD will focus change efforts on large-scale organizations rather than on individual agencies or small affiliates. For example, national youth service organizations would receive preference over a local representative as a potential sponsor of alternative programming because the impact would be greater. Similarly, statewide groups would be accepted before local jurisdictional requests or neighborhood advocacy agents, civic assocations, and professional group representatives.

   In most instances, system responses will be favored over single-agent requests. For example, technical assistance requested by a task group of community advisors and practitioners interested in introducing legislation to curtail prison sentences (that would also provide funds to evaluate the impact of the change) would have a higher priority than technical assistance to a pilot demonstration restitution project in the same locality.

6. Programs/strategies should support one of the following four substantive areas:

   -- Alternatives to traditional juvenile justice system intervention--diversion services;

-- Alternatives to secure detention--pretrial community supervision;

-- Alternatives to traditional juvenile court functions--conflict resolution approaches; and

-- Alternatives to traditional corrections--community-based corrections.

These alternatives were discussed in detail in Chapter 4 and more information about priorities for technical assistance in these areas will be provided in a later section of this chapter.

DESIRABLE CHARACTERISTICS FOR COMMUNITY-BASED ALTERNATIVE PROGRAMS/STRATEGIES

In Chapter 3 where current theories of delinquency reduction were explained, the greatest inhibitor of violative and unlawful actions by juveniles was found to be the development and maintenance of strong bonds between youths and conventional institutions. This current focus on fostering favorable interactions of youths with social surroundings contrasts strongly with earlier theories relating misbehavior to individual biochemical deficits, or personality problems stemming from family-induced developmental disorders. This new emphasis also has practical implications for designing appropriate interventions and recommending strategies for reducing delinquency in the community. Targets for remediation now include the organizational environments in which youths function, not just the individual juvenile or the immediate family. One ultimate goal of justice system processing is still to change the behavior of youths who are adjudicated delinquent. Another equally important one is to change how the system responds to apprehended youths, so that programs and interventions do not inadvertently contribute to the development or support of delinquency.

Thus, technical assistance, as approved by FGTAD, will be primarily designed in response to intermediary persons and organizations that are thought to be:

-- More available and amenable to immediate change than individual juveniles and their families;

-- Less costly in economic resources to affect than delinquent youths on a case-by-case basis; and

-- Potentially responsible for either the continuation of delinquency or its reduction.

Furthermore, the community-based alternative programming efforts and strategies that will be supported by technical assistance must have selected characteristics which can be postulated from delinquency reduction theory and also derived from evaluative research findings. Thus, alternative programs/

strategies with the highest priority for technical assistance from the federal level will:

- Provide services to a general population of youths, not just delinquents or status offenders, so that participants are not labeled by their negative behaviors, and also have the opportunity to mix with and form attachments to law-abiding counterparts instead of congregating in delinquency-provoking peer groups of "troubled" juveniles;

- Have well-established linkages with the surrounding community, as evidenced by location in an area where most enrollees live; involvement of local community residents as volunteers, staff, and governing board members; easy accessibility by visitors from participants' families and friends; and collaborative, resource-sharing arrangements with other community agencies for service provision;

- Foster positive, reciprocal, and intimate relationships between the youths who are clients and caring adults who may be highly committed staff members, role model advocates from the community, or mentors functioning as coaches, teachers, employers, and others;

- Offer supervised and graduated reintegration into the community after the briefest possible placement in the least restrictive environment that is consistent with the youths' demonstrated capacity for responsible independence;

- Be small enough to have a personalized atmosphere in which assessment and service planning is individualized and responsive to direct input from youths, their families, and other concerned parties;

- Provide, directly or by referral, a comprehensive range of appropriate services that are geared not to long-term remediation of the individual through therapy, counseling, or other unproved techniques, but rather to the acquisition of pragmatic skills and an involvement in legitimate, worthwhile, and appealing activities which result in portable, credible credentials, or monetary rewards commensurate with the energy expended;

- Carefully define and apply criteria for client selection that neither "widen-the-net" of potential participants nor violate the due process rights of youths by applying "informal" sanctions for those dispensed by the justice system through requisite legal procedures;

- Involve youth participants as autonomous managers of their own affairs, the extent possible, and governors of peer groups through formal organizational arrangements that parallel procedures found in similar groups of adults; and

-- Provide immediate and positive reinforcements for desirable behaviors and clearly articulated, consistently and fairly applied negative sanctions for behaviors that do not meet community norms.

KINDS OF ALTERNATIVE TECHNICAL ASSISTANCE EFFORTS THAT WILL BE SUPPORTED

The following subsections describe in more specific terms the approaches to technical assistance and types of help that will be offered to requestors. The examples that are provided are meant to be only that--not inclusive parameters, but very flexible and "broad-brush" outlines or suggestions.

Technical Assistance to Diversion Projects

Because a recent national study and evaluation of diversion programs (Dunford, 1981) found them not to be, in general, more effective than traditional processing or simple release in stemming misbehavior or reducing stigmatization (see Chapter 4), technical assistance for diversion projects will be given a low priority. In fact it will ordinarily be denied, unless the following guidelines are incorporated into program activities or strategies:

-- A formal evaluation is designed and conducted to measure more than system-observed recidivism as an outcome variable, and also to assess the impact of diversion services vis-a-vis other traditional dispositional options;

-- Written criteria for client selection are developed and applied to exclude youths who normally would have simply been warned and released rather than referred on for continued system processing;

-- Diversion occurs prior to adjudication, preferably following either police or court intake and prior to the filing of a formal petition;

-- Clients who are offered diversion services are fully informed about options and volunteer to participate;

-- The community-based services that are provided are accessible and tailored to individual interests and needs, particularly in such practical skills or areas as job training, employment placement, career selection, education and skill building, family dispute resolution, leisure time activities, medical or substance abuse treatment, and the like; and

-- Some impetus to community involvement and program improvement is fostered through mechanisms for community education, development of influential constituencies, and establishment of a coalition of

affected youth agencies that can coordinate efforts, or an Advisory Board of similar citizen representatives.

If these criteria are met, technical assistance to diversion projects might be supported in such areas as:

- The design and implementation of an appropriate evaluation methodology;
- Specification and negotiation of client selection criteria and procedures for coordinating these with the appropriate juvenile justice system components (e.g., police, court intake);
- Design of client assessment techniques for determining the most appropriate resources for service referrals;
- Determination of the range of appropriate resources and services that should be available in the community, as well as the way in which such services can be solicited, monitored, and provided through subcontracts;
- The selection of effectiveness criteria for periodic evaluation of existing or proposed community-based alternative programs that are used as referral resources.

Technical Assistance for Alternatives to Secure Detention

The problems posed by traditional secure detention, which were outlined in Chapter 4, can be avoided by the use of such alternatives as home or foster care detention in the community. Furthermore, these alternatives will probably only minimally increase the proportion of youths who commit offenses while awaiting adjudication/disposition, or who fail to appear for court hearings, if at all.

The following areas are suggested as appropriate focal points for technical assistance:

- Assessing the Impact of Current Detention Decisions--Before establishing new policies and procedures regarding detention, jurisdictions may want technical assistance in designing a study of current detention decisions. Included in such a study might be an analysis of current rates of detention, success rate of nondetained youths, extent to which alternatives are used, success rate of alternatives, and cost comparisons of secure detention and alternatives. Jurisdictions might also want assistance in clarifying the decision-making process and identfying who makes and reviews detention decisions.

— Defining Client Eligibility Criteria—Local jurisdictions might also want assistance in revising or developing appropriate criteria for deciding who should be placed in detention and the type of detention that is needed. The might also want to establish detention decision guidelines, similar in spirit to sentencing guidelines currently used by a number of adult courts. These guidelines could be quantitative and should, in most cases, be a complete revision of existing practices, rather than only modifications based largely on prior detention decisions. Applied flexibly to individual cases, these guidelines could help structure both the decision to detain and type of detention placement.

  In addition to developing guidelines applicable to individual cases, as a way of limiting the number of youths detained, localities may wish to set quantitative guidelines or goals regarding both the proportion of juveniles charged with an offense who should not be detained and the proportion of who should be placed in alternatives.

— Establishing Alternative Detention Services with Appropriate Characteristics—Among the alternatives to traditional secure detention that should be available are home detention and foster care and community-based group homes. These facilities should separate detainees from adjudicated youths in order to preserve the legal differences in these two populations. For example, treatment services should be available to detainees, but participation should be entirely voluntary, because any compulsory treatment before adjudication would be a violation of "due process" rights. In short, the objectives for detention must be limited to ensuring the timely appearance of youths at hearings and protecting the community from further law violations in the interim between arrest and disposition.

Technical Assistance to Alternative Programs for Conflict Resolution

Conflict resolution programs (as discussed in Chapter 4) offer several advantages as alternatives to juvenile court processing (viz., speedier decisionmaking, more efficient use of court personnel, and utilization of a more suitable and mutually acceptable process for resolution of interpersonal disagreements between complainants and offenders). Accordingly, FGTAD will encourage technical assistance to organizations and localities that want to develop and improve conflict resolution projects.

There are several important elements in successful conflict resolution projects that suggest potential areas for technical assistance:

-- Defining Client Eligibility Criteria--The type of offense is the major criterion, with eligible offenses generally limited to misdemeanor or status offenses or, in some cases, lesser felonies. A

second criterion is that all parties (prosecutor, complainant, and juvenile) must agree to alternative processing.

-- Selecting Sponsorship and Assuring Good Publicity for the Project--A strong relationship between the project and the judicial system is crucial for ensuring necessary referrals and increasing the viability of the project.

-- Specifying Procedures for Case Processing--A time limit for processing cases by the alternative should be established and observed. The flow of cases from intake to disposition should also move without interruption, following procedures designed to ensure fairness and satisfaction for all participants.

-- Involving Victims and Community Residents in the Procedures--Victims should have the opportunity for direct involvement in the arbitration process. Additionally, community residents (both adults and young peers) should be eligible to serve as arbitrators or members of disposition panels.

-- Selecting Appropriate Alternative Sanctions--Projects should emphasize creative alternative sanctions which emphasize restitution or meaningful community service. Those sanctions selected by the youths that involve a group effort and provide an opportunity for youths to explore vocational choices are preferred.

-- Designing and Implementing an Evaluation Methodology--Sponsors should plan evaluations of conflict resolution projects prior to their implementation and include procedures for random selection of experimental and control groups. Key variables should also be identified, with procedures for data collection established and plans for analysis formulated.

Technical Assistance for Community-based Alternatives to The Correctional System

Taking into account the issues and findings of Chapter 4, FGTAD will provide technical assistance for community-based alternatives to traditional correctional functions when requests address such problems and activities as the following:

-- Developing and implementing client selection criteria and program procedures that:

  -- make such nonresidential alternatives as community service and restitution (when controlled and operated by agencies other than official correctional components) available as sanctions for

felonious or habitual delinquents who might otherwise have been incarcerated,

- make community-based residences an optional sentencing disposition for offenders who might otherwise have been institutionalized,

- assure release of offenders from all supervision by the juvenile justice system within the time limits normally imposed under probation or parole,

- require assignment to an alternative correctional program only after adjudication, and

- help increase public support for use of community-based correctional programs as alternatives to institutional incarceration, not as options to existing probation services;

— Designing and implementing programs and strategies for community-based correctional alternatives that comply with proposed standards for:

- quality services for clients that emphasize skill development and practical problem-solving rather than interpersonal counseling,

- environmental safety for offenders that is consistent with public security,

- well-qualified staff and assurances of reasonable client-to-staff ratios,

- maximizing client participation in planning for care, assuming legitimate responsibilities, and demonstrating the development of realistic skills,

- decreasing regimentation while allowing the assumption of normal social roles and citizens' rights, including mingling with the opposite sex, receiving visitors who represent traditional values, and privacy protections in regard to communications searches, clothing, religious preferences, and the like

- encouraging tangible rewareds for achievement of legitimate goals, and

- guaranteeing community support and direct involvement through volunteer services, advisory recommendations, professional assistance, and such;

-- Designing, developing, and replicating acceptable research evaluation methodologies to test the effectiveness, efficiency, and theoretical hypotheses underlying community correctional alternatives vis-a-vis more traditional correctional components; and

-- Promoting organizational analysis efforts and public relations strategies that can be used to overcome community resistances to nonincarcerative sanctions and to foster acceptance of necessary value and structural changes that are prerequisites for increased utilization of community-based correctional alternatives.

MODES OF AND PRIORITIES FOR TECHNICAL ASSISTANCE

The Formula Grants and Technical Assistance Division offers two primary modes of federal technical assistance. They are: (1) documentation through correspondence and (2) on-site consultation. Either or both of these modes may be used in any one assignment, and their selection will depend on a mutual agreement between FGTAD and the recipient on the most cost-efficient and effective arrangements that can be scheduled.

In practice, all requests for specific technical assistance must be routed through FGTAD for consideration and approval prior to the development of plans for assistance delivery. Based on the merits of the request (as presented earlier in this chapter), FGTAD will signify approval or disapproval and forward the actionable requests to designated private consulting firms that have contract responsibilities in the specific area of the request. This contractor, the National Office for Social Responsibility (NOSR), in the area of alternatives to the juvenile justice system then negotiates the most appropriate technical assistance delivery mode and a schedule with the requestor, develops a task-by-task delivery plan, and submits this plan (which also estimates the total person-day and travel and materials cost of the assignment) to FGTAD for final approval. This two-stage FGTAD sign-off process is followed for all federal technical assistance requests and must be completed before any actual work begins.

As noted earlier in this chapter, FGTAD will give priority to requests that are most promising in relation to:

-- Significance of the innovation or evaluation findings; and

-- Scale of the assignment and its potential impact on a large number of youths.

Thus, special consideration will be given to requests from national organizations, state-wide groups, and local jurisdictions in which tests of imaginative or unique programmatic approaches with well-designed evaluation methodologies are apparent.

Documentation Through Correspondence

A significant number of requests for technical assistance can be handled effectively through telephone communications and off-site research and documentation. Essentially, contractor staff members are skilled at conducting bibliographic research and also at "networking" programmatic and personnel resources to find exemplary approaches or experts in a given topical area. Developing client eligibility criteria for different types of alternatives is an example of the type of request that might be handled entirely by telephone and written communication. Staff members from the technical assistance contractor, after defining the parameters of the request, might search for examples of such eligibility criteria in:

- Available literature pertaining to alternatives;
- Unpublished documents that are submitted to OJJDP; and from
- Existing and well-run alternatives of the same type in localities with characteristics similar to those of the requestor.

The eligibility criteria would then be screened for relevance to the requestor, collated into a coherent set, and forwarded to the recipient.

Among the useful materials available for documentation requests are a series of reports funded by the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). The series prepared by the National Assessment Centers (particularly by the National Assessment Center on Alternatives to the Juvenile Justice System at the University of Chicago) is very helpful in presenting both conceptual material and critical analyses of specific alternative approaches. (For further information on these references, consult the Report of NIJJDP, Fiscal Year 1980 (p. 41) as well as the bibliography at the end of this section.)

ON-SITE CONSULTATIONS

The other primary mode of technical assistance is direct on-site consultation or training at a particular location. This may involve contractor staff or well-known specialists in a topical area to work with the requestor on a prearranged agenda and schedule. Most requests of this type require extensive pre-site preparation so that travel and time in the field are kept to a necessary minimum. Sometimes more than one visit to a requestor is needed, usually to gain an understanding of the unique local situation before off-site research and preparation are undertaken. An example of such an assignment might be the design and implementation of a specific innovative alternative program involving the tailoring of some generic approach to the unique characteristics of the requestor. Then, a site visit to explore the dimensions of

the problem might be authorized before a program design was prepared off-site; submitted to the requestor for review, comment and approval; and finally presented to key recipient staff as a training workshop of several days' duration.

For all technical assistance assignments, the contractor staff members write a complete provider's report describing in detail the activities that were conducted and the products that were developed. This type report is submitted to FGTAD and is often useful in similar assigments, especially when products such as operational manuals or criteria have been part of the tasks.

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PART IV

IMPROVING THE JUVENILE JUSTICE SYSTEM

CHAPTER 1

DOCUMENT PROFILE

In this monograph, many examples of areas in which juvenile justice administration can be improved are offered. The contents of Chapters 2, 3, and 4 are described below.

Chapter 2 looks at the significant historical events and the merging issues in the juvenile justice system from its embryonic stages with the opening of the New York House of Refuge in 1825, through the establishment of the Illinois Juvenile Court in 1899, to the due process revisions begun in In re Gault in 1967.

While the issues are dealt with in greater detail in the NIJJDP Comparative Analysis of Standards and State Practices, they are outlined here in their historical context so that the reader might view the administration of juvenile justice in perspective.

Chapter 3 provides a step-by-step process by which criminal justice councils, state advisory groups, and juvenile justice agencies can improve the administration and operation of juvenile justice. This chapter also suggests potential roles for federal, state, and local governments and the general public.

Chapter 4 presents the FGTAD technical assistance program with particular attention to the criteria for approving requests for technical assistance. The chapter concludes with a statement of the kinds of technical assistance which will be approved and various modes of delivery.

CHAPTER 2

THE HISTORICAL DEVELOPMENT OF THE JUVENILE JUSTICE SYSTEM

INTRODUCTION

The creation and operation of a juvenile justice process in the United States has been, and continues to be, highly controversial with dynamic and ever-changing underpinnings which are as much moral and religious as they are legal. Perhaps more than any other social issue, advocates and practitioners must have a clear and comprehensive understanding of the historical development of the juvenile justice system if they are to effect a meaningful change in its administration.

The literature is replete with various histories of the juvenile justice system. None, however, captures the controversy and divisiveness of the current issues more comprehensively than the Standards for Juvenile Justice, promulgated by the Institute for Judicial Administration and the American Bar Association. The history presented with this 20-volume set of standards is particularly relevant in that it follows an equally exhaustive examination of the Standards for Criminal Justice, developed during the 1960's.

The fact that many of the drafters and advisors involved in the IJA/ABA standards were also involved in the NAC Standards for the Administration of Juvenile Justice and the NAC Task Force Report on Juvenile Justice and Delinquency Prevention provides an important link among the three sets of standards generally conceded to be comprehensive in scope.

The following description of significant events and emerging issues is excerpted from the Summary Volume of the IJA/ABA Standards for Juvenile Justice.

SIGNIFICANT EVENTS AND EMERGING ISSUES

The development of the current juvenile justice system, often heralded as a courageous and innovative reform movement, is permeated with confused concepts, grandiose goals, and unrealized dreams. The system has failed in many ways. Yet it really is wonderful in many ways, too--a social institution that cares, a separate court to deal exclusively with juvenile and family problems, a blending of public and voluntary programs, a body of law focused

on the best interests of the child, and a correctional authority organized for the rehabilitation of offenders. The system's inability to achieve its noble ideals can be understood best by examining its history.

The most significant fact about the history of juvenile justice is that it evolved simultaneously with the child welfare system. Most of its defects and its virtues derive from that fact.

Prior to the 19th Century, children who committed crimes were handled by the same instituitons as adults. Children under 7 years were considered incapable of possessing criminal intent and were deemed not responsible for criminal acts. For children between 7 and 14, however, the presumption was rebuttable. Otherwise, juveniles were tried by criminal courts and confined in jails and prisons for adults. Children who were inadequately cared for by their families were assisted with relative informality by their local communities or churches as charity cases. Thus, poverty and crime were treated separately before the rise of a formal child welfare system. Describing the historical development of social welare in Great Britain, Walter A. Friedlander states, in his Introduction to Social Welfare: "The Poor Law of 1601 set the pattern of public relief . . . It established the principle that the local community--the parish--had to organize and finance poor relief for its residents, provide sustenance to the unemployable and children, and work to the able-bodied." Then, hailing the arrival of the British social security system and its national assistance programs, he wrote: "Voluntary agencies are now able to concentrate on their real task, on the difficult, intangible problems of bringing aid to human beings in need of understanding and encouragement, and, especially, on the prevention of juvenile delinquency."

That blending of the welfare function with a sense of social responsibility to intervene in the lives of poor families to prevent delinquency, categorizing victims of deprivation as incipient predators, expresses succinctly the prevailing fallacy governing the juvenile justice system today. Perhaps if the behavioral sciences had fulfilled their expectations by providing the capability of reliably identifying predelinquents and devising effective methods for rehabilitating them, the issue of justifiable, coercive intervention might have taken another form. The proven failure of science to do either eliminates the possibility of any such justification.

According to Sanford J. Fox's construction of juvenile justice reform in "Juvenile Justice Reform: An Historical Perspective," three events have received the accolade of a "major reform in the means of dealing with juvenile deviants." They are the opening of the New York House of Refuge in 1825, the establishment of the Illinois juvenile court in 1899, and In re Gault in 1967. Fox's "historical perspective" of the events has been described as revisionist, which also is reflected in his 1972 case book, Cases and Materials on Modern Juvenile Justice. Fox and other revisionists rejected many of the altruistic interpretations of the accomplishments attributed to the 19th Century reformers. The innovative trend in the 19th Century was to create "shelters" for dependent, neglected, or abandoned children. As child

welfare became a more formal public concern, a moralistic "child saving" tone intruded. For example, a report by the Society for the Prevention of Pauperism in the City of New York in 1823 referred to parents as"too poor or too degenerate," whose children were "obliged to beg, and even encouraged to acts of dishonesty, to satisfy the wants induced by the indolence of their parents . . . " The report urged a "Christian community" to try to rescue these children from "sinking still deeper in corruption." The formula was clear: poverty and indolence yield corruption and delinquency. Or is it vice versa?

In either case, the next step for society was clear and it followed in 1825 when the New York House of Refuge was established under a charter granted to the Society for the Reformation of Juvenile Delinquents, the successor to the organization that issued the 1823 report on pauperism. It authorized the admission of "children as shall be taken up or committed as vagrants, or convicted of criminal offenses . . . as many . . . be proper objects." According to Fox, the emphasis on minor offenses, belief in the innocence of the child despite their wrongs, and summary commitment procedures were all central features of the predelinquency campaign.

The parens patriae concept to support confinement in a House of Refuge was cited by a Pennsylvania court in Ex parte Crouse, 4 Whart. 9 (Pa. 1838). In that case, the statute authorized the house to admit children whose parents had shown them to be "incorrigible." The juvenile's mother had brought the charge and her father sought her release on a writ of habeas corpus on the grounds that the juvenile had been denied a trial by jury. As cited by Fox, the court held as follows:

> The object of the charity is reformation, by training its inhabitants to industry; by imbuing their minds with principles of morality and religion; by furnishing them with means to earn a living; and above all, by separating them from the corrupting influence of improper associates. To this end, may not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by the parens patriae, or common guardian of the community?

Fox calls the Crouse case the leading authority for the state's right "to make coercive predictions about deviant children."

The next major event was the passage of the Illinois Juvenile Court Act in 1899. Leading commentators attach different meanings to the Act, but its importance is undisputed. In an excellent article delineating some of the more extreme criticisms of the Illinois Act presented by Fox and by Anthony M. Platt in his 1969 study, The Child Savers: The Invention of Delinquency, Larry Schultz redresses the revisionist imbalance in "The Cycle of Juvenile Court History."

It may be impossible to discuss the first Juvenile Court Act without the intrusion of personal value judgements upon objective analysis, and this presentation is probably no exception. The Illinois Juvenile Court Act can be said to have made the following contributions to the development of the juvenile justice system:

1. It established a separate court for cases involving juveniles under age 16 alleged to be delinquent, dependent, or neglected.

2. It defined a "delinquent" as a child under age 16 "who violates any law of this state or any city or village ordinance."

3. It introduced special procedures governing the hearing and disposition of juveniles' cases.

4. It required separation of children from adults when placed in the same institution.

5. It barred detention of a child under 12 in a jail or police station.

6. It provided for probation officers to investigate cases, represent the child's interest, or supervise children on probation.

7. Its purpose clause directed that "the care, custody, and discipline of a child shall approximate as nearly as may be that which should be given by its parents and in all cases, where it can properly be done, the child be placed in an improved family home and become a member of the family by legal adoption or otherwise."

Some of the controversy over the significance of the Act was related to whether its provisions actually were innovations. The probation concept had been adopted from Massachusetts, and the new procedures and preferences for home-like treatment were part of the prevailing social welfare thrust in juvenile penology, as manifested in the House of Refuge provisions and increased emphasis on foster home placements. Fox and Platt claimed the Act was conservative, not progressive, pointing to the religious, middle-class biases inherent in the provision requiring placement with custodians (persons or institutions) who had the same religious beliefs as the child's parents, thus ensuring continued public subsidizing of private sectarian agencies. They also criticized its reliance on coercive predictions for crime prevention.

Three questions are implicit in this controversy:

-- Are the informal summary proceedings prescribed in the Act desirable?

-- Should middle-class values be imposed coercively on errant lower-class juveniles, or can voluntary programs be entrusted with delinquency prevention?

-- Is rehabilitation through involuntary treatment programs achievable (if that is assumed to be justification for the court's jurisdiction)?

Although not stressed in these analyses, it could be argued that the most reprehensible feature of the Illinois contribution to juvenile justice is the continued erosion of distinctions between juveniles who commit criminal acts, thereby demonstrating objectively that they are a present threat to community safety, and those who are themselves victims as abused, neglected, or dependent children.

Fox notwithstanding, there were a number of important events in the years between the Illinois Act and Gault, especially the expanding jurisdiction of juvenile courts and the burgeoning network of states passing juvenile court legislation. In 1901, noncriminal misbehavior was added to the definition of delinquency in the Illinois Act. However punishment for such misconduct was an ancient tradition, with examples recorded in Colonial times.

By 1917, juvenile courts had been established in all but three states. The juvenile court was considered part of the total child welfare system, removing juveniles from the criminal law process and substituting a network of special programs for delinquent, dependent, and neglected children. These programs were supposed to solve problems through scientific methods, if appropriate, after removing the children from their blighted urban homes and inadequate families. A professional class of modern criminologists, sociologists, and social workers began to emerge to deal with the phenomena of delinquency and predelinquency in pursuit of the rehabilitative ideal. According to Platt, the emphasis was on studies of the socialization or treatment of delinquency and other deviant behavior, with the law seen as essentially irrevelant to those concerned about the causes and cures of delinquency.

The next major event took place in the revised New York Family Court Act in 1962, which not only combined its Children's Court and Girl's Term and other juvenile divisions in a single family court, but also created a new separate classification for noncriminal misconduct. The new label was PINS, Person In Need of Supervision. This label was supposed to be less stigmatizing than delinquent, which was supposedly less stigmatizing than criminal. It also was designed to represent an expectation that innovative treatment programs would be devised to meet the needs and circumstances of such children. Other states followed New York's example, rapidly adopting their own labels--CINS, CHINS, MINS, JINS. Some referred to them as "unruly minors." The misbehavior formerly included in the delinquency statutes in most states covered truancy, running away, disobedience, undesirable companions, staying out late, disruptiveness, sexual activity, and the catch-all, incorrigibility--all acts or conduct for which adults would not be punishable.

The two objectives of creating the special PINS category (those qualified were sometimes known as status offenders) were the elimination of the delinquency stigma and the development of appropriate dispositional choices for such

children, but they were never realized. The PINS label, connoting court contact, became almost as troublesome to the affected juveniles. Child care specialists and corrections officials were eager to proclaim their enlightened view that all of the labels were meaningless. A 1973 report of the Council of Voluntary Child Care Agencies, representing more than 100 member agencies in New York, gave the results of a survey of its membership in which the overwhelming majority opinion was that children in foster care had the most severe behavior problems of any children in residential care, regardless of the original reason for their placement. Similarly, the New York State Division for Youth (DYS), responsible for administering all state juvenile correctional facilities, officially adopted the position that distinctions between the problems they found in PINS and delinquent DFY residents were insignificant and did not necessitate separate programs. As first adopted, the New York Family Court Act provision on dispostions excluded placement of PINS in a training school. Within a year, the law was amended to authorize such placement.

Currently, the trend, as evidenced by the Juvenile Justice and Delinquency Prevention Act of 1974, is to bar confinement in secure facilities for juveniles charged with noncriminal misbehavior. But juvenile correctional authorities and other rehabilitation specialists have yet to demonstrate the ability to deal effectively with traditional adolescent behavior problems in coercive treatment programs, whether in a secure or nonsecure facility. Their few successes are more than balanced by the regularity with which juveniles removed involuntarily from their homes to court-ordered placements reinforce the anti-social label affixed to them by society.

Perhaps it is not surprising that, after many years of relying the informal procedures and rehabilitative goals of the juvenile court, there was a reaction against the patent failure of the system to protect society or to help the children subject to its jurisdiction. It also was becoming impossible to ignore the fact that the broad discretionary powers the court officials had been granted were resulting in flagrant discrimination against girls in some cases, boys in others, racial and ethnic minorities, and poor families. Selective interventions screened out white and both middle- and upper-class delinquents, who were returned to their home environments, with prescriptions for private treatment, regardless of the seriousness of their crimes. In most localities the juvenile court had become the place to prevent or punish crime from the ghetto as severely as possible and to enforce standards of social morality as informally as possible, with the juvenile court judges and probation workers charged with the duty to make these subtle, sometimes unfathomable, distinctions.

In 1966 and 1967, three events dramatized a growing concern about juvenile justice:

-- The decision in Kent v. United States, 383 U.S. 541 (1966), requiring procedural regularity for a valid transfer from juvenile to adult court;

-- The Task Force report, Juvenile Delinquency and Youth Crime, issued by the President's Commission on Law Enforcement and Administration of Justice in 1967, which expressed (1) grave doubts about many of the premises of the system, its effectiveness, and its lack of procedural safeguards, favoring voluntary services, and (2) skepticism about the validity of the status offense category; and

-- In re Gault, 387 U.S. 1 (1967), a decision which held that juveniles accused of crimes are entitled to due process of law in the adjudicatory stage of the proceedings.

The Gault case required such minimal protection at the fact-finding hearing as notice of charges, right to counsel, confrontation and cross-examination of witnesses, and the privilege against self-incrimination. Subsequent Supreme Court decisions have expanded those rights in some cases and contracted them in others. Winship, 397 U.S. 385 (1970), compelled proof beyond a reasonable doubt for juveniles charged with criminal offenses in a juvenile proceeding, but McKeiver v. Pennsylvania, 403 U.S. 528 (1971), rejected a plea for trial by jury.

The members of the Court have published many memorable statements about juvenile justice. In Kent, Justice Fortas noted that the juvenile appeared to be receiving the worst of both worlds: " . . . He gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children" (383 U.S. at 556). In Gault, he stated: "Due process of law is the primary and indispensible foundation of individual freedom. It is the basic and essential term in the social compact which defines the rights of the individual and delimits the powers which the state may exercise" (387 U.S. at 20).

But in McKeiver, Justice Blackmun spoke approvingly of "every aspect of fairness, of concern, of sympathy, and of paternal attention that the juvenile court system contemplates" (403 U.S. at 550). He considered those traits in juvenile court officials an adequate substitute for a jury trial, suggesting that there would be "little need" for a separate juvenile court if all the formalities of criminal trials were required.

The net result is total confusion as to the rationale for the unique characteristics of juvenile court, compounded by frequent references to lack of resources and other transient imperfections as the basis for "disillusionment" with the court, rather than the court's denial of inherent rights. The social compact theory of juvenile courts--that juveniles have traded off some of the formalities of due process for the benevolent purposes of the juvenile court--is distinguished from criminal justice and the malevolent punitive goals of adult court.

If the "due process" line of cases has failed to clarify the juvenile justice concept, the "right to treatment" line of cases may be the cause of the total breakdown. Demanding that the courts, executive branches, and the

legislatures fulfill the noble premises of the juvenile court acts, the parties asserting a right to treatment argue that if the institutions and programs in which juveniles are placed do not provide appropriate treatment for the purposes for which the dispositions were rendered, the juveniles are being deprived of their constitutional rights under the Fourteenth Amendment. Courts in such cases as Morales v. Turman, 535 F.2d 864 (5th Cir. 1976), 383 F.Supp. 53 (E.D. Tex. 1973), and Martarella v. Kelley, 349 F.Supp. 575 (S.D.N.Y. 1972), have attempted to specify the minimum conditions that institutions must meet to qualify as proper environments in which to detain or confine a juvenile for treatment.

These cases have served admirably to challenge the practices and policies of the juvenile custodial authorities in maintaining inadequate and inhumane facilities under the guise of administering rehabilitative treatment programs. The cases rely also on Eighth Amendment arguments against cruel and unusual punishment in accusing the institutions of failing to provide confined juveniles with reasonable opportunities for normal growth and development. They have effected improved conditions in correctional facilities and a heightened awareness of the issues created by the incarceration of juveniles.

But the problem presented by the right-to-treatment line of cases is that it requires an implied concession that coerced treatment is a legitimate societal intervention in response to juvenile offenses; a tacit acceptance of the premise that causes of juvenile misbehavior or criminality can be diagnosed and treated; and acquiescence with the theory that such treatment for a juvenile offense will prevent future criminal behavior. The most critical issue raised by right-to-treatment is whether a court or a system of justice is the proper locus for diagnosing and treating behavioral problems. The question that has not been resolved in juvenile law is whether a court is capable of providing more than a forum for a fair hearing of the facts, a fair adjudication of innocence or guilt, and a fair penalty for the transgression of society's rules of acceptable behavior.

Thus we have traced the significant events that have culminated in the current juvenile justice system and suggested some of the issues they have raised. It is important to see an event whole and within its context to appreciate its impact. For example, if Gerald Gault had not been the victim of so flagrant an imbalance in the disposition to which he was liable as compared to an adult, would the same decision have been reached? Gault was committed to an institution for a maximum six-year term for an offense (making a lewd or indecent telephone call) for which an adult could have been punished by a fine of $5 to $50 or imprisonment for not more than two months. If the potential penalties for adults and juveniles had been more nearly comparable in the case, one wonders whether the court would have been moved to challenge the cherished myth of a benign, paternalistic, nonadversary proceeding designed to bring help to troubled children. And if the decision had not followed the President's Task Force report, and if juvenile crime and recidivism rates were not so high . . . .

CHAPTER 3

FRAMEWORK FOR THE ADMINISTRATION OF JUVENILE JUSTICE

INTRODUCTION

Significant events and current issues in the juvenile justice system portray a system of justice which has been, and continues to be, in a state of flux, bending and restructuring itself at the whim and fancy of public opinion and political pressure. This chapter suggests a more stable approach for improvement of the juvenile justice process of investigation, arrest, custody, adjudication, disposition, and correction of juvenile offenders. The approach links the theory and research presented in the opening chapter with the policies and procedures enuemrated in the NAC Standards for the Administration of Juvenile Justice.

From current research and program evaluation experience, FGTAD has concluded that:

- Rates of delinquent behavior are a reflection of the structure and practices of important social institutions primarily, including education, work, juvenile justice, community service, and their relations with the family;

- Gains in juvenile justice and delinquency prevention will be achieved most surely and durably by means of change in those structures and practices; and therefore,

- OJJDP's technical assistance should be devoted to assisting in those changes.

Furthermore, FGTAD believes that most people stay out of trouble most of the time when they have formed a bond to the conventions of these social institutions. This bond is maintained and strengthened when young people show the following four characteristics:

- Commitment: an interest or stake in something that misconduct will jeopardize;

- Attachment: to other people, so that violation of their expectations will cause distress in the young person;

-- Involvement: an ongoing investment of time and energy in conventional, law-abiding activities; and

-- Belief: in the moral validity of the societal rules that a young person is asked to obey.

Premises for Technical Assistance Policy

In general, the chain of causation moves from attachment to parents, through a commitment to the educational and occupational aspirations that schools attempt to instill, to a belief in the law. Within the context of this philosophical position, FGTAD bases its technical assistance policy and decisions on the following set of premises:

-- Young people need to feel a sense of usefulness, a sense of competency, and an expectation that they are able to exert influence over the events that affect their present lives and the future. When youths are provided the opportunities to develop these feelings within the social institutions of our society, they are more likely to see a stake for themselves in society, and they will have the expectation of becoming successful and productive adults.

-- Because of their adolescent status, young people are not always afforded the legal and human rights that are afforded adults. Protection of rights is clearly an issue in families, schools, and social agencies because of the impact of these units on the development of the child. Even more so, the juvenile justice system must be a major target in this regard to ensure that the police, courts, and correctional agencies deal with each child under their jurisdictions in fair and humane ways.

-- Resources for juvenile justice reform are scarce--and will remain so. The organizational change strategy is more dependent upon reallocation of existing local resources than on an infusion of new funds. Organizational change is not cost-free, but its costs are minimal in comparison to other approaches.

Inherent in the organizational change strategy is recognition that reduction of juvenile crime cannot be accomplished in piecemeal fashion. Concentration of our resources on only one aspect of juvenile delinquency--whether it be status offenses or serious and violent juvenile crime--will not have a significant impact on the reduction of overall juvenile crime rates. An effective policy for reducing juvenile crime rates, and one that is embodied in FGTAD's technical assistance policy, combines three separate but related approaches:

— It strives to strengthen the most powerful deterrents to crime by juveniles. It promotes creation of conditions for all young persons that enhance their bonding to the lawful conventions of society.

— It promotes the establishment and appropriate use of inexpensive community alternatives for those offenders who behavior does not warrant supervision by the juvenile justice system.

— It advocates reallocation of juvenile justice system resources, both human and financial, so that the system can concentrate on those juvenile offenders who commit serious and violent crime and for whom supervision and control are most essential.

Juvenile Justice Linking Standards

The administration of juvenile justice is linked to this theoretical framework by three sets of standards which describe policies and procedures in the functional areas of administration, intervention, adjudication, and supervision. These standards are set forth in the Report of the Task Force on Juvenile Justice and Delinquency Prevention (1976), promulgated by the National Advisory Commission on Criminal Justice Standards and Goals; the Standards for Juvenile Justice (1977), compiled by the Institute for Judicial Administration/American Bar Association; and the Standards for the Administration of Juvenile Justice (1980), from the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Each of these efforts is similar in at least four ways:

1. They deal with the theoretical complexities of competing philosophical foundations to the juvenile justice system;

2. They present a comprehensive approach for improving the juvenile justice system;

3. They analyze systemwide issues which are critical if the system is to work in a coordinated, efficient, fair, and consistent manner (the NAC standards, for instance, analyze all relevant issues in nine volumes of "working papers" within the context of national standards and state practices);

4. The three efforts have premised their product on a set of similar basic precepts.

This similarity is not surprising, given the continuing interaction between drafters and advisors alike throughout the 1970's. The basic precepts pervade all three efforts and, taken collectively, provide a basis for the administration of juvenile justice which will maintain and strengthen the essential

conditions of the bond between youths and the conventions of society: commitment, attachment, involvement, and belief in the law.

The linkage which these standards have is illustrated in the basic themes summarized in the Standards for the Administration of Juvenile Justice:

I. The family remains the basic unit of our social order--governmental policies, programs, and practices should be designed to support and assist families, not usurp their functions.

II. Together with any grant of authority by or to a governmental entity must be the establishment of limits on the exercise and duration of that authority and mechanisms to assure accountability--guidelines and review procedures should be established for all intervention, intake, custody, and dispositional decisions.

III. Age is not a valid basis for denying procedural protections when fundamental rights are threatened--juveniles should be accorded the best of both worlds--"the protection accorded to adults--(and) the solicitous care and regenerative treatment postulated for children."

IV. Whenever there is a choice among various alternatives, the option which least intrudes upon liberty and privacy should be preferred--"when you swat a mosquito on a friend's back, you should not use a baseball bat."

V. When rehabilitation forms a basis for the imposition of restraints on liberty, an obligation arises to offer a range of services reasonably designed to achieve the rehabilitative goals within the shortest period of time--governmental intervention justified upon the doctrine of parens patriae triggers at least a moral duty to provide the resources necessary to fulfill the promise of care and assistance.

Linkage Examples

There are numerous examples of the linkage between FGTAD policy and the standards for administration of juvenile justice. For example:

-- When a young person commits an offense that warrants saction by the juvenile justice system, the responsibility for developing and preserving the young person's bond with society remains. System policies and procedures that encourage frustration and alienation of young people are counterproductive. Young persons who have emerged from the supervision of the juvenile justice system with feelings of hostility and inadequate social skills are just as likely to engage

in criminal activity as they were prior to their contact with the system. Often, the elements of a child's bond with society can be completely broken through negative experiences in the juvenile justice system.

— The juvenile justice system can maximize opportunities for youths involved in the juvenile justice system to develop and maintain essential social skills. Juveniles involved in the juvenile justice system should be supervised in environments that ensure proper protection of society, yet are also suitable for the youths' continued development. Juveniles involved in the juvenile justice system must be given the potential for reentering the mainstream of society with the skills and opportunities which will sustain law-abiding behavior. For example, a jail is not a suitable environment for young persons. It denies them educational opportunities, exposes them to sophisticated adult criminals, promotes fear and alienation, and imposes a stigma. A more appropriate secure juvenile institution is one which offers academic, vocational, and social programs. Reintegration programs are also essential in assuring that young persons who emerge from juvenile institutions do not find themselves detached from society and ill-equipped to lead a productive life.

— The system can promote one very important element of a child's bond to society--that of belief in the validity of the law. This can be instilled by a system that imposes fair and consistent sanctions. Too often decisions are based upon family background and financial status. When a system deals harshly with and incarcerates minor offenders, and yet time after time releases or deals leniently with repeat criminal offenders, it is no wonder that young people have little respect for the law. Young persons must learn that certain acts carry certain consequences. The juvenile justice process is notorious for delays between apprehension and disposition. The lapse of time is so long it is often hard to relate the punishment to the crime.

— Nowhere in the administration of juvenile justice is the belief in the validity of our legal system more challenged than through the eyes of the victims of youth crime. Young people who, as a group, are the primary victims of youth crime are not only concerned by inconsistent sanctions, but confused by a system which allows preferential program opportunities to juvenile delinquents to the exclusion of law-abiding youths. FGTAD policy would encourage equal access to educational, employment, and community service opportunities for all youths.

— Consistent and fair decisions must be based upon information and objective criteria, not conjecture. Processes which increase the amount of information about previous offense history and gang organizations and activities increase the potential for swift,

certain, and consistent responses to serious and violent offenses. But the generation of data and standards for decision-making must be accompanied by the capability to follow the process through disposition. Specialized units, such as intensive case management of juveniles in correctional institutions, are options for a comprehensive system response to serious and violent juvenile crime.

-- The essential ingredient of an effective and efficient juvenile justice system is integration of all of its components: police, courts, and corrections. When a police force increases its capability to apprehend habitual offenders, the court must be equipped to deliver swift and certain sanctions, and the correctional system must have the available resources to handle an increase in offenders requiring secure care and treatment.

JUVENILE JUSTICE FUNCTIONAL AREAS

The administration of juvenile justice is generally considered in four functional areas:

- Administration,
- Intervention,
- Adjudication, and
- Supervision.

The following subsections provide brief discussions of each area and a compilation of the policies and procedures excerpted from the Standards for the Administration of Juvenile Justice.

Administration

This area addresses the organization and administration of the entire juvenile justice system. Hence, the series of standards on the responsibilities and roles of each level of government, viz., planning, evaluation, personnel selection, training, and records, are intended to apply to all functions of the administration of juvenile justice (Figure 1).

The initial series of standards concerns the development of a multi-level planning and coordination process through which local communities, in conjunction with a single state agency, can identify their juvenile service needs and develop appropriate strategies for preventing delinquency and improving the juvenile justice system (Standards 1.111-1.114). The proposed

organizational framework assigns the decision-making responsibilities to the local community, the level of government which is closest to the problems of youths and juvenile crime and most familiar with immediate resources and programs available. The state agency is responsible for integrating local and state plans and services, providing necessary technical, financial, and programmatic resources to facilitate the planning process, and developing an evaluation process to assess state-provided services and state and local planning activities (Standards 1.121-1.126). The Federal Government's role is to provide direction and appropriate resources, technical assistance, and training to the state and local communities (Standards 1.131-1.134).

The second series of standards focuses on the planning process (Standards 1.12-1.29). These standards delineate the necessary components of the process which the local community and the state can use to develop a plan to carry out the planning responsibilities described above.

The third series of standards concerns the development of an evaluation and research capability (Standards 1.31-1.32). It identifies the methods and mechanisms for providing information regarding the effectiveness of current programs, the scope of current problems, and the means for addressing those problems to assist the local, state, and federal planning process.

The fourth series of standards deals with the selection and training of juvenile service system personnel (Standards 1.41-1.429). The provisions on the selection process stress that the staff of law enforcement agencies, family courts, educational agencies, and other components of the juvenile justice service system should be chosen on a merit basis, and should include men and women from a variety of ethnic and social backgrounds. The standards on training focus on specific types of personnel and recommend that pre-service and in-service training be provided on the policies and assumptions underlying the juvenile service system, as well as on techniques for dealing with juvenile problems.

The final series of standards in the Administration chapter sets forth the principles which should govern the collection and use of records pertaining to juveniles (Standards 1.51-1.56). Specific standards relating to the compilation, maintenance, accuracy, and disposition of, as well as access to, such records are provided to assure both the preservation of important information and the protection of the youths who are the subject of that information.

In developing these recommendations, the National Advisory Committee recognized that the integration of state and local planning efforts into a coordinated planning process, and the extension of that process to delinquency prevention activities, would take time and dedication to achieve. Conflicts in values and goals will have to be accommodated and/or resolved, and institutional and individual relationships forged. However, the Committee concluded that the creation of a more effective, more rational, and fairer juvenile service system was worth the effort involved.

Major issues related to the administration of juvenile justice include recordkeeping and information systems, planning and monitoring, and research and evaluation. Much like the functional areas of intervention, adjudication and supervision, the issues of administration have important consequences for the effective and efficient operation of the others. Some of the issues suggested by the literature indicate interwoven complexity of the issues in the administration of juvenile justice. For example:

-- Should strict confidentiality of juvenile records be preserved in view of the public's right to know about the operation of the juvenile justice system? Would this confidentiality conflict with research, evaluation, planning, and monitoring of programs?

-- Does the lack of information compromise the quality of police, courts and corrections operations and perpetrate the isolation, fragmentation, and lack of accountability in the system?

-- What are the respective roles of local, state, and federal governments in the administration of juvenile justice? What is the citizen's role in assuring a fair and consistent process?

-- Are the rights and needs of the victims of juvenile crime properly observed by the system?

-- To what extent can the juvenile justice system attract and retain qualified personnel? What can be done about staff burnout?

-- What is serious and violent juvenile crime? Where and to what extent does it occur in American life? What should be done to address the problem?

These and other issues of administration are the subject of continuing assessment by the National Institute for Juvenile Justice and Delinquency Prevention. Published and unpublished reports from the NIJJDP National Assessment Centers provide a continuing flow of information about recent research, evaluation, and program experiences. The documents listed below are recent publications of the National Assessment Centers.

1. **Management Issues and the Deinstitutionalization of Juvenile Offenders**

2. **A National Assessment of Serious Juvenile Crime and the Juvenile Justice System: The Need for a Rational Response**

3. **A Preliminary National Assessment of the Numbers of Characteristics of Juveniles Processed Through the Juvenile Justice System**

4. How Well Does It Work? Review of Criminal Justice Evaluation, 1978: Delinquency Prevention and Control Programs: The Need for a Conceptual Framework and Evaluation Strategies

FIGURE 1: OUTLINE OF ADMINISTRATION STANDARDS

1.1 Roles and Responsibilities
- 1.11 Local-Level Participation
  - 1.111 Organization of the Local Juvenile Justice System
  - 1.112 Development of a Local Juvenile Service Plan
  - 1.113 Coordination, Development, and Implementation of Local Juvenile Service Programs and Guidelines
  - 1.114 Evaluation and Modification of the Local Juvenile Service System Program Efforts
- 1.12 State-Level Participation
  - 1.121 Organization of the State Juvenile Service System
  - 1.122 Development of a State Juvenile Service Plan
  - 1.123 Development of State Standards and Guidelines
  - 1.124 Provision of Financial and Technical Resources
  - 1.125 Evaluation of Local and State Efforts
  - 1.126 Office of Youth Advocate
- 1.13 Federal-Level Participation
  - 1.131 Organization and Coordination of the Federal Juvenile Service System
  - 1.132 Development and Implementation of National Juvenile Justice and Delinquency Prevention Standards
  - 1.133 Distribution of Financial and Technical Resources
  - 1.134 Evaluation of Federal, State and Local Activities

1.2 Planning
- 1.21 Data Base Development and Collection
- 1.22 Inventory and Analysis of Community Resources
- 1.23 Problems Identification and Prioritization
- 1.24 Needs Identification
- 1.25 Goal Development
- 1.26 Strategy Development
- 1.27 Program Coordination
- 1.28 Program Development
- 1.29 Program Implementation

1.3 Evaluation and Research
- 1.31 Development of an Evaluation System
- 1.32 Development of a Research Capability

1.4 Personnel
- 1.41 Personnel Selection
- 1.42 Training
  - 1.421 Law Enforcement Personnel
  - 1.422 Judicial Personnel
  - 1.423 Prosecutorial Personnel
  - 1.424 Legal Services Personnel
  - 1.425 Personnel Providing Direct Services to Juveniles

1.426 Educational Personnel
1.427 Planning Personnel
1.428 Personnel Providing Support Services in Residential Programs
1.429 Administrative Personnel

1.5 Records Pertaining to Juveniles
1.51 Security and Privacy of Records
1.52 Collection and Retention of Records
1.53 Confidentiality of Records
1.531 Access to Police Records
1.532 Access to Court Records
1.533 Access to Intake, Detention, Emergency Custody and Dispositional Records
1.534 Access to Child Abuse Records
1.535 Access for the Purpose of Conducting Research, Evaluative, or Statistical Studies
1.54 Completeness of Records
1.55 Accuracy of Records
1.56 Destruction of Records

Intervention

This area concerns intervention into the lives of juveniles and their families by public officials such as police officers, child protective services, welfare, school, and other public health, mental health, and social services personnel in response to apparent neglect or abuse, noncriminal misbehavior, delinquent conduct, medical emergencies, and/or family crises. The term "intervention" in this context denotes the moment the public official makes contact with the youth or family. It is not synonymous with referral to the family court or removal of juveniles from their home. Though one result of intervention may be placing a child in custody and referring the matter to family court for adjudication, intervention ordinarily will be more closely linked to the prevention activities described in Chapter 2. Hence, intervention is simply the point of contact precipitated by specifically defined conduct by or involving a juvenile and the actions which immediately follow that contact.

This definition of intervention reflects current practices. Although limited to contacts based on delinquent conduct, a number of studies have shown that most interventions do not result in referral of the matter to the intake unit and family court. For example, of the juveniles actually arrested because of an alleged delinquent act, an average of 30 to 45 percent are either counseled and released or referred to community services. In some police departments the counsel/community referral rate may exceed 70 percent.

While intervention practices affect hundreds of thousands of juveniles and their families each year, there have been comparatively few guideposts to assist law enforcement officers and child welfare, protective services, school, and other public social services personnel in determining whether to take a juvenile into custody. The standards recommended here (1) identify the basic principles on which to base intervention decisions, and (2) propose procedures to improve the consistency of those decisions, increase the accountability of the decisionmakers, and assure the fairness of the intervention process.

The area is divided into three major sections (Figure 2). The first delineates the circumstances in which intervention is appropriate (Standards 2.11-2.13). While they are keyed to the recommendations regarding the jurisdiction of the family court, the criteria for intervention are necessarily broader since, as is noted above, referral to the intake unit for possible submission to the family court is only one of the alternatives available upon intervention (Standards 3.111-3113). For example, a police officer or protective services representative may intervene when a child is alone and in need of immediate medical care, even though the harm or threatened harm does not fall within the definition of neglect and abuse set forth in Standard 3.113. However, the standards make clear that, except in medical emergencies, services should not be provided on other than a voluntary basis unless an

order has been issued by the family court following completion of the procedures described in the subsection that discusses adjudication.

The second series of standards focuses on intervention by law enforcement officers (Standards 2.21-253). Since police officers are often the first societal agents who must deal with accidents, emergencies, family crises, and criminal conduct the standards set forth explicit guidelines for determining whether to refer matters to the intake unit following intervention (Standards 2.221-2.223), or whether to take a juvenile into custody (Standards 2.231-2.234). While the conduct leading to intervention varies, the types of options available are similar in delinquency, noncriminal misbehavior, and neglect and abuse cases. The decision-making format is identical, although the specific criteria differ, depending on the nature of the conduct involved (Standards 3.142-3.144, and 3.151-3.154). In addition, the standards in this series define the scope of authority to intervene (Standard 2.21), the rights and procedures which apply following intervention by a law enforcement officer, and the role of specialized juvenile units in law enforcement agencies and juvenile specialists in patrol teams or units.

The standards in the 2.3 series cover the authority of other government agencies--e.g., child protective services agencies and health or welfare departments--to intervene into the lives of juveniles and their families, and the criteria, rights, and procedures which should apply following such interventions. These provisions are parallel to those for law enforcement agencies, but are limited to intervention because of noncriminal misbehavior, neglect or abuse, or the need for immediate medical care.

Together, these standards provide a framework on which systemwide intervention policies and guidelines can be developed and the intervention practices of individual agencies assessed.

Major issues related to police handling of juveniles were presented by the National Institute for Juvenile Justice and Delinquency Prevention as part or its publication, entitled Working Papers of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. Among these issues were the following:

-- What are the proper roles and responsibilities of the police in juvenile justice and delinquency prevention?

-- What is the proper role of the police in the development of juvenile justice and delinquency prevention policy?

-- What arrangements should be developed to facilitate cooperation between the police and public and private youth-serving agencies?

-- What is the scope of the police authority to detain and arrest juveniles?

- What is the scope of police authority in the protection of juveniles?

- Is the law of arrest equally applicable to juveniles who commit criminal acts?

- Should police discretionary decision-making concerning dispositions of juvenile cases be recognized?

- What guidelines for police intercession are necessary to provide police services to juveniles?

- What legal and procedural requirements are necessary to ensure that the police intercede properly in providing police services to juveniles?

- Should the guidelines used by law enforcement in making decisions regarding juvenile processing be reviewed by court and juvenile intake officials? Should juvenile intake guidelines be reviewed with law officials?

- How should the police plan the administration and management of juvenile justice and delinquency prevention services?

These issues are developed more completely in the volume on Police-Juvenile Operation and have been the subject of continuing assessment by the NIJJDP National Assessment Centers. Numerous published and unpublished documents address the area of police handling of juveniles, including the following.

1. **Juveniles in Detention Centers and Jails: An Analysis of State Variations during the Mid-1970's**

2. **A Review of Selected Research and Program Evaluations on Police Diversion Programs**

3. **Police Handling of Youth Gangs**

4. **Police Handling of Juveniles**

5. **A Preliminary National Assessment of Arson and the Juvenile Justice System**

6. **Children as Victims**

The standards for intervention are presented in the text of the Standards for the Administration of Juvenile Justice and consist of three primary areas: circumstances for intervention, police intervention, and intervention by other governmental agencies. They are outlined here (Figure 2) to provide the readers with an overview of specific policies and practices contained in this functional area.

FIGURE 2: OUTLINE OF INTERVENTION STANDARDS

2.1 The Circumstances in Which Society Should Intervene
- 2.11 Intervention for Commission of a Delinquent Act
- 2.12 Intervention for Noncriminal Misbehavior
- 2.13 Intervention to Protect against Harm

2.2 Intervention by Law Enforcement Agencies
- 2.21 Authority to Intervene
- 2.22 Decision to Refer to Intake
  - 2.221 Criteria for Referral to Intake--Delinquency
  - 2.222 Criteria for Referral to Intake--Noncriminal Misbehavior
  - 2.223 Criteria for Referral to Intake--Neglect and Abuse
- 2.23 Decisions to Take a Juvenile into Custody
  - 2.231 Criteria for Taking a Juvenile into Custody--Delinquency
  - 2.232 Criteria for Taking a Juvenile into Custody--Noncriminal Misbehavior
  - 2.233 Criteria for Taking a Juvenile into Emergency Protective Custody
  - 2.234 Form of Citation, Summons, and Order to Take into Custody
- 2.24 Rights and Procedures
  - 2.241 Procedures Following a Decision Not to Refer to Intake
  - 2.242 Procedures Following a Decision to Refer to Intake--Delinquency
  - 2.243 Procedures Following a Decision to Refer to Intake--Noncriminal Misbehavior
  - 2.244 Procedures Following a Decision to Refer to Intake--Neglect and Abuse
  - 2.245 Procedures When a Juvenile Is in Need of Immediate Medical Care
  - 2.246 Procedures for Fingerprinting and Photographing Juveniles
  - 2.247 Procedures Applicable to the Interrogation of Juveniles
  - 2.248 Form of Complaint
- 2.25 Specialization of Law Enforcement Officers
  - 2.251 Police-Juvenile Units
  - 2.252 Specialization within Patrol Units

2.3 Intervention by Other Governmental Agencies
- 2.31 Authority to Intervene
- 2.32 Decision to Refer to Intake
  - 2.321 Criteria for Referral to Intake--Noncriminal Misbehavior
  - 2.322 Criteria for Referral to Intake--Neglect and Abuse
- 2.33 Criteria for Taking Juveniles into Emergency Protective Custody
- 2.34 Rights and Procedures
  - 2.341 Procedures Following a Decision Not to Refer to Intake
  - 2.342 Procedures Following a Referral to Intake
  - 2.343 Procedures upon Taking a Neglected or Abused Juvenile into Emergency Protective Custody
  - 2.344 Procedures When a Juvenile Is in Need of Immediate Medical Care

Adjudication

The standards in this area address the jurisdiction and organization of the court having matters relating to juveniles, the rights of the parties in delinquency, noncriminal misbehavior, neglect and abuse proceedings, and the criteria and procedures applicable to intake, detention, and dispositional decisions.

The first series of standards, 3.11-3.118, recommends establishment of a family court with jurisdiction over all matters affecting juveniles and their families other than tort, contractual, and probate questions. Detailed definitions of the family court's jurisdiction over delinquency, neglect and abuse, and noncriminal misbehavior are offered. With regard to noncriminal misbehavior, standard 3.112 urges that the court exercise its authority only when all appropriate noncoercive alternatives have been exhausted. Subsequent standards make clear that if noncriminal misbehavior is proven beyond a reasonable doubt, both the family and the relevant service agencies, as well as the juvenile, should be involved in developing an appropriate disposition and should be subject to the court's dispositional authority. At no time under these standards would placement in a detention or a correctional facility of a juvenile alleged to have committed, or found to have engaged in, noncriminal misbehavior be sanctioned.

As for neglect and abuse, standard 3.113 emphasizes that judicial intervention should occur only when a child's health is impaired or demonstrably threatened, and not when there is merely disagreement with the parent's values, life style, or words. A further explanation of the terms of and reasoning underlying these recommendations is contained in the commentary to these standards. Other issues addressed in the 3.11 series include the scope of federal delinquency jurisdiction, transfers of cases from the jurisdiction of the family court, and the maximum and minimum ages at which juveniles are subject to the family court's jurisdiction over delinquency and noncriminal misbehavior.

The provisions in the 3.12 series cover the relationship of the family court to other courts, the tenure and qualifications of family court judges, and the employment of referees and court administrators. The urge, inter alia, that the family court should be a decision of the highest court of general jurisdiction, and that ordinarily, an assignment of a judge to the family court be limited to two consecutive two-year terms.

The third series of standards delineate the right to and the role of counsel for the state, the juvenile, and the juvenile's parents in family court proceedings. When adopted, these provisions--together with those in the 3.16, 3.17 and 3.19 series--will provide each party in delinquency and noncriminal misbehavior proceedings with the rights afforded juveniles under In re Gault, 387 U.S. 1 (1967), In re Winship, 397 U.S. 358 (1970), and Breed v. Jones, 421

U.S. 518 (1975), plus those due defendants in criminal proceedings other than the rights to indictment by a grant jury, trial by jury, and money bail.

The same rights apply in neglect and abuse proceedings, except that the level of proof required for a finding of abuse or neglect is clear and convincing evidence rather than proof beyond a reasonable doubt. The fundamental interests at stake in delinquency, noncriminal misbehavior, and neglect and abuse proceedings, warrant the extension of the full state of due process safeguards. These series of standards also suggest the time limits which should apply in family court proceedings, outline the role of guardians ad litem, and urge that a ban be placed on plea bargaining in delinquency, noncriminal misbehavior, and neglect and abuse cases.

Like the standards in the subsection dealing with Intervention, the 3.14 and 3.15 series distinguish between the decision to recommend initiation of formal court proceedings and the decision on whether the juvenile should be detained or held in emergency protective custody. Standards 3.141-3.147 outline the organization of intake units; the qualifications of intake officers; and the procedures, alternatives, and procedures applicable to intake investigations and decisions. Standards 3.151 examine the bases for improving preadjudication restraints on a juvenile's liberty and recommend stringent judicial review of all restraints imposed. Placement of juveniles alleged to have committed a delinquent act in secure facilities is limited to a set of closely defined situations. Placement of juveniles alleged to have engaged in noncriminal misbehavior or to have been neglected or abused in detention facilities would be totally prohibited under these standards, as would placement of any juvenile in a facility in which s/he would come into contact with adults alleged or found to have committed a crime (42 U.S.C. 5633(a)(12) and (13) (Supp. 1979)).

The standards on disposition, 3.131-3.1813, set forth the procedures and criteria which the family court should follow in making dispositional decisions and describe the procedures for review, modification, and enforcement of dispositional orders. While the criteria are intended to channel the current open discretion enjoyed by juvenile and family court judges in many jurisdictions, they provide the court with greater authority over the supervisory programs and services to be provided.

The final standards in this subsection discuss the rights to which juveniles should be entitled in adjudicatory-type proceedings before administrative, correctional, and educational agencies. The standard is intended to assure that basic safeguards are present whenever a juvenile is threatened by a Government agency with the substantial abridgement of a fundamental right, the curtailment of an inertial benefit, or the imposition of sanctions.

It is anticipated that the standards described here, if implemented will provide for greater equity, consistency, and fairness in proceedings affecting juveniles, a more efficient and respected court, and a stronger, more effective system of justice for juveniles, their families, and the public.

Major issues concerned with court adjudication and the disposition function of the juvenile justice system are presented in the NIJJDP Working Papers of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. Among these issues are the following:

- At what jurisdictional level should the court handling juvenile matters be located? In a separate court or a division of a general trial court? Should juvenile judges be rotated? What should the minimum qualifications be? How should they be selected?

- At what age should juvenile court jurisdiction be established? What is the appropriate duration of juvenile court jurisdiction? Under what circumstances should a juvenile be transferred either directly or by waiver proceeding to the adult court?

- Should the juvenile court have jurisdiction over status offendses? Traffic offenses?

- What is the role of the juvenile court with respect to dependency, abandonment, abuse and neglect? How should the statutory bases for intervention be defined?

- Are court services an executive function or a proper administrative function of the juvenile court?

- Should the functions of pretrial detention include "preventive detention," or should detention be used only if necessary to assure the juvenile's presence at future court proceedings?

- What is the extent and role of counsel for an accused juvenile offender?

- Who should have the authority to determine, impose and subsequently modify a disposition?

- Should the principles of proportionality or treatment prevail in a diposition finding?

The issues noted above are the subject of continuing assessment by the NIJJDP National Assessment Centers. Among the published and unpublished reports developed by these Centers are the following documents.

1. **Restitution in Juvenile Justice: Issues in the Evolution and Application of the Concept**

2. **A Preliminary National Assessment of the Function and Impact of 24-Hour Juvenile Justice Intake Units**

3. **Juvenile Justice System Processing and the Disposition of Juveniles with Special Problems**

4. **A Preliminary National Assessment of the Status Offender and the Juvenile Justice System: Role Conflicts, Constraints, and Information Gaps**

5. **A National Assessment of Case Dispocition and Classification in the Juvenile Justice System: Inconsistent Labeling:**

   Volume I—Process Description and Summary
   Volume II—Results of a Literature Search
   Volume III—Results of a Survey

6. **A Preliminary National Assessment of Child Abuse and Neglect and the Juvenile Justice System: The Shadows of Distress**

7. **A Proposed Approach for Justice System Processing of Minors Who Are Accused or Convicted of Committing Violent Crimes**

8. **Changing Perspectives on the Role of the Juvenile Court**

The standards for adjudication are presented in the text of the Standards for the Administration of Juvenile Justice and consist of nine primary areas ranging from jurisdiction and court structure through the adjudicative process to disposition and appeal. They are outlined in Figure 3 for reference to the appropriate standard.

FIGURE 3: OUTLINE OF ADJUDICATION STANDARDS

3.1 The Courts
- 3.11 Jurisdiction
  - 3.111 Jurisdiction over Delinquency
  - 3.112 Jurisdiction over Noncriminal Misbehavior
  - 3.113 Jurisdiction over Neglect and Abuse
  - 3.114 Jurisdiction of the Federal Courts over Delinquency
  - 3.115 Maximum and Minimum Age
  - 3.116 Transfer to Another Court--Delinquency
  - 3.117 Transfer of Jurisdiction--Intra-family Criminal Offense, Contributing to the Delinquency of a Minor
  - 3.118 Venue
- 3.12 Court Organization
  - 3.121 Relationship to Other Courts
  - 3.122 Tenure of Family Court Judges
  - 3.123 Judicial Qualifications and Selection
  - 3.124 Use of Quasi-Judicial Decision Makers
  - 3.125 Employment of a Court Administrator
- 3.13 Counsel
  - 3.131 Representation by Counsel--For the State
  - 3.132 Representation by Counsel--For the Juvenile
  - 3.133 Representation by Counsel--For the Parents
  - 3.134 Role of Counsel
- 3.14 Intake
  - 3.141 Organization of Intake Units
  - 3.142 Review of Complaints
  - 3.143 Criteria for Intake Decision--Delinquency
  - 3.144 Criteria for Intake Decision--Noncriminal Misbehavior
  - 3.145 Criteria for Intake Decision--Neglect and Abuse
  - 3.146 Intake Investigation
  - 3.147 Notice of Decision
- 3.15 Detention, Release, and Emergency Custody
  - 3.151 Purpose and Criteria for Detention and Conditioned Release--Delinquency
  - 3.152 Criteria for Detention in Secure Facilities--Delinquency
  - 3.153 Criteria for Detention and Release--Noncriminal Misbehavior
  - 3.154 Criteria and Procedures for Imposition of Protective Measures in Neglect and Abuse Cases
  - 3.155 Initial Review of Detention Decision
  - 3.156 Review of the Conditions of Release
  - 3.157 Initial Review of Emergency Custody Decisions
  - 3.158 Review, Modification, and Appeal of Detention and Emergency Custody Decisions
- 3.16 Preadjudication Procedures
  - 3.161 Case Processing Time Limits
  - 3.162 Extension and Computation of Case Processing Time Limits
  - 3.163 Decision to File a Petition

3.164 Petition and Summons
3.165 Determination of Probable Cause
3.166 Arraignment Procedures
3.167 Discovery
3.168 Motion Practice
3.169 Appointment and Role of Guardian Ad Litem
3.17 Adjudication Procedures
3.171 Rights of the Parties
3.172 Public and Closed Proceedings
3.173 Finder of Fact
3.174 Burden and Level of Proof
3.175 Plea Negotiations
3.176 Uncontested Adjudications
3.177 Withdrawals of Admissions
3.18 Dispositions
3.181 Duration of Disposition and Type of Sanction--Delinquency
3.182 Criteria for Dispositional Decision--Delinquency
3.183 Dispositional Alternative and Criteria--Noncriminal Misbehavior
3.184 Dispositional Alternatives and Criteria--Neglect and Abuse
3.185 Criteria for Termination of Parental Rights
3.186 Predisposition Investigations
3.187 Predisposition Reports
3.188 Dispositional Hearings
3.189 Review and Modification of Dispositional Decisions
3.1810 Enforcement of Dispositional Orders--Delinquency
3.1811 Enforcement of Dispositional Orders--Noncriminal Misbehavior
3.1812 Review of Dispositional Orders--Neglect and Abuse
3.1813 Enforcement of Dispositional Orders--Neglect and Abuse
3.19 Appellate Procedures
3.191 Right to Appeal
3.192 Right to Counsel and a Record of the Proceedings

3.2 Noncourt Adjudicatory Proceedings

Supervision

The 1973 Children in Custody survey found 74,990 juveniles in custody on a single day in detention centers, shelter care facilities, training schools, forestry camps and ranches, group homes, and similar residential facilities throughout the United States. Thousands of other juveniles were placed in foster homes or under some form of probation or community supervision. This area sets forth standards concerning the responsibility for, the nature of, and the procedures that should apply to residential and nonresidential programs which supervise juveniles and families subject to the jurisdiction of the family court over delinquency, noncriminal misbehavior, and neglect and abuse. The term supervision was selected to characterize these programs, since no matter what their rationale or emphasis--treatment, punishment, or protection--each has the basic responsibility of supervising the persons placed in it by the family court.

The standards are divided into eight sections. The two standards in the first series, standards 4.11-4.12, recommend that the states should assume the responsibility for providing necessary supervision programs.

The second series, standards 4.21-4.27, defines seven types of residential facilities and describes the size of the staff and services which should be available in each. The standards urge that residential facilities other than camps and ranches be located in or near the communities from which they draw their population, and recommend a low treatment staff-to-youth ratio and access by juveniles placed in residential facilities to a full range of educational, counseling, health, mental health and recreational programs. The increased costs which may result from the implementation of these recommendations can be substantially offset, through the utilization of community rather than in-house services, and through placing fewer juveniles in residential programs and reducing the length of their stay in such programs in accordance with the principle--emphasized throughout these standards--of employing the least restrictive alternative (standards 2.231-2.233, 3.151-3.158, 3.181-3.189, 4.219, and 4.52). The National Advisory Committee concluded that any increased costs which are not so offset should be considered the necessary price of realizing the rehabilitative ideal on which the juvenile justice system is based.

The standards in the 4.3 series cover the organization of nonresidential programs to supervise persons subject to the jurisdiction of the family court, the services which should be available to such persons, and the imposition and enforcement of regulations by community supervision officers.

The fourth series of standards lists some of the rights to which juveniles in residential facilities and under community supervision are entitled (standards 4.41-4.411). These include the rights to receive and send mail, to receive visitors, to participate in the religious observances of their choice, to a basic level of treatment and care, and to be notified of the rules and

regulations to which they are subject. The provisions seek to assure as normal an environment as possible for program participants while accommodating necessary safety and administrative concerns.

The remaining series of standards recommend principles and procedures that govern discipline in residential programs (standards 4.51-4.54), the use of restraints (standards 4.61-4.62), and transfers among programs with differing levels of security or to programs provided by other agencies (standards 4.71-4.73), as well as urging that grievance procedures and ombudsmen be available to juveniles in residential programs and subject to community supervision (standards 4.81-4.82, also standard 1.126). It is anticipated that the recommended system of mutual rights and responsibilities will help program participants and staff to work together in an atmosphere of greater trust and respect than has characterized many supervisory programs in the past.

These standards are not expected nor intended to be cast in stone. The National Advisory Committee will continue to review its recommendations in light of their impact in practice, conduct additional research on supervision programs and procedures, and evaluate expert opinion, making modifications whenever necessary. However, the Committee is confident that the standards proposed in this chapter, when implemented, will enhance efforts to encourage law-abiding conduct and to protect the safety and welfare of both juveniles and adults.

Major issues concerning the supervision of juvenile offenders are noted in recent literature, as well as in the NIJJDP Working Papers of the National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention. Among these issues are the following:

-- What are the rights of juveniles to services? What are the obligations of authorities to provide services?

-- Who should have the authority to modify a disposition? What should be the limits on duration of disposition? What is the role of the parole board?

-- What is the role of probation in the supervision of juvenile offenders? Should the probation officer operate as caseworker or a broker of services?

-- What should the relationship be between the court, corrections, mental health, social services, and the community? Who has responsibility for supervision and treatment programs?

-- To what extent do due process protections extend to supervision of juvenile offenders?

-- Who should monitor postdispositional supervision programs?

As was noted under the other functional areas of the juvenile justice system, supervision is the subject of continuing assessment by the NIJJDP National Assessment Centers. Several of the published and unpublished reports developed by these Centers are listed below.

1. Treating the Severely Disturbed Juvenile Offender: A Review of Issues and Programs

2. Vocational and Educational Upgrading Program for Juvenile Offenders

3. Group Homes in the 1980's

4. Wilderness/Adventure Program for Juvenile Offenders

5. Community-Based Program Interventions for the Serious Juvenile Offender: Targeting, Strategies, and Issues

6. Achievement Place: The Teaching Family Treatment Model in a Group Home Setting

FIGURE 4: OUTLINE OF SUPERVISION STANDARDS

4.1 Administrative Responsibility
- 4.11 Role of the State
- 4.12 Role of the Federal Government

4.2 Residential Programs
- 4.21 Training Schools
  - 4.211 Physical Characteristics and Population
    - 4.2111 Location
    - 4.2112 Size and Design
    - 4.2113 Coeducational Program
  - 4.212 Staff
    - 4.2121 Staff Size
    - 4.2122 Staff Qualifications
  - 4.213 Services
  - 4.214 Development and Implementation of an Individual Program Plan
  - 4.215 Individual and Group Counseling Programs
    - 4.2151 Group Therapy
    - 4.2152 Semi-Autonomous Living Units
  - 4.216 Educational Services
    - 4.2161 Academic Education
    - 4.2162 Vocational Education
    - 4.2163 Special Education
  - 4.217 Health and Mental Health Services
    - 4.2171 Initial Health Examination and Assessment
    - 4.2172 Responsibility Toward Patients
    - 4.2173 Diet
    - 4.2174 Mental Health Services
  - 4.218 Recreational Services
  - 4.219 High Security Juvenile Units
    - 4.2191 Population and Size
    - 4.2192 Staff
    - 4.2193 Services
    - 4.2194 Security
- 4.22 Camps and Ranches
  - 4.221 Size
  - 4.222 Staff
  - 4.223 Services
- 4.23 Group Homes
  - 4.231 Size
  - 4.232 Staff
  - 4.233 Services
  - 4.234 Central Services
- 4.24 Community Correctional Facilities
- 4.25 Foster Homes
  - 4.251 Staff
  - 4.252 Services

4.26 Detention Facilities
4.261 Size and Population
4.262 Staff
4.263 Services
4.27 Shelter Care Facilities

4.3 Nonresidential Program
4.31 Community Supervision
4.32 Services
4.33 Imposition and Enforcement of Regulations

4.4 Rights and Procedures
4.41 Mail and Censorship
4.42 Dress Codes
4.43 Personal Appearance
4.44 Visitation
4.45 Religious Freedom
4.46 Responsibility for Control and Apprehension of Juveniles
4.47 Notice of Rules
4.48 Searches
4.49 Work Assignments
4.410 Right to Care and Treatment
4.411 Denial of Enumerated Rights

4.5 Discipline
4.51 Corporal Punishment and Use of Physical Restraint
4.52 Room Confinement
4.53 Loss of Privileges
4.54 Disciplinary Procedures

4.6 Use of Restraints
4.61 Mechanical Restraints
4.62 Medical Restraints

4.7 Transfer Procedures
4.71 Transfers from Less Secure to More Secure Facilities
4.72 Transfers from More Secure to Less Secure Facilities
4.73 Transfers among Agencies

4.8 Grievance Procedures and Ombudsman Programs
4.81 Grievance Procedures
4.82 Ombudsman Programs

CHAPTER 4

TECHNICAL ASSISTANCE STRATEGY TO IMPROVE THE ADMINISTRATION OF JUVENILE JUSTICE

INTRODUCTION

The Office of Juvenile Justice and Delinquency Prevention has long supported initiatives designed to improve the functioning of the juvenile justice system. As Chapter 3 indicates, the standards developed by the National Advisory Commission, IJA/ABA, and others constitute a significant effort to help law enforcement, courts, corrections departments and others to conduct their disciplines professionally increase the effectiveness and efficiency with which the system operates, and be better prepared to respond to juvenile crime. The Formula Grants and Technical Assistance Division (FGTAD) likewise has supported initiatives designed to upgrade and improve the system of justice for children in America. The successful implementation of FGTAD initiatives through technical assistance rests on their ability to employ individuals who are knowledgeable of traditional responses to juvenile crime, who can act within guidelines prescribed by the Office, and who are most proficient in effecting change through the modes of documentation, on-site consultation, training, and other technical assistance activities. Below we discuss effective technical assistance within this goal area.

ESTABLISHING A CLIMATE FOR CHANGE

Technical assistance is a very special type of intervention into a local justice system. Technical assistance funded from an outside source, in this case the Office of Juvenile Justice and Delinquency Prevention, must rely on the interest and commitment of the recipient to be a successful venture. Without the proper climate for change, the time of the recipient as well as the resources of FGTAD may be wasted.

Technical assistance directed at improving the juvenile justice system must be built on both the provider and recipient having solid knowledge of the local system. This knowledge must include good information on the formal mandates, policies, and procedures as implemented by individual agencies in the juvenile justice system. It should also include a thorough appreciation of the informal structures, relationships, personalities, and political imperatives and values which guide the way in which youths are processed by that system. It is this combination of understanding both formal and informal structures

which constitutes the essential backdrop to successful efforts of technical assistance.

The knowledge base can be acquired through a number of avenues. First, a good recipient is one in which self-assessment, internal management audits, and program evaluations are built into the management structure of the organization. This is not often the case, and the technical assistance provider must often ferret out necessary background information through interviews and reviews of archival data that are gathered in the community. In conducting this preliminary needs assessment, it is important to interview as broad a spectrum of system participants as possible--often including both youths and their families--to see how the justice agencies actually function. Once these data have been gathered, it is the responsibility of the effective technical assistance provider to interpret the findings in a way which furthers the successful provision of technical assistance.

A second prerequisite for effecting change through technical assistance consistent with this goal area is the ability to translate the knowledge base into a firm understanding of the impact of the system on the bond between a youth and the conventions of society--his commitment and attachment to and his involvement in that society. It is this requisite which ensure that the technical assistance provided is consistent with FGTAD policy and the organizational change emphasis adopted by the Division. What this means is that improving the juvenile justice system cannot be geared solely to upgrading the efficiency of agencies and programs or reducing the incidence of crime. FGTAD technical assistance in this goal area must go beyond these objectives to attempt long-term change in the way institutions handle youths and enhance the bond that is thereby created between a child and society.

A positive climate for change exists when two equally important factors are present:

1. The technical assistance recipient and provider must have identified that portion of the juvenile justice system that is most in need of help. (In so doing, the technical assistance is targeted on those programs, areas, or functions which are the most critical in terms of their influence on young people.)

2. The area targeted for technical assistance is one that is amenable to improvement, and this factor must coexist with the first.

We can say that areas of the system are amenable to change if the following conditions exist:

-- Political and administrative commitment to change,

-- Financial resources,

-- A legal basis that will allow for change,

-- No major competing claims to attention in the juvenile justice and human service areas.

The effect of these factors is that many potential technical assistance efforts might be eliminated. For example, if a judge is eager for a management audit of his court, but it is clear that he lacks the political support to actually make any significant changes, then technical assistance ought not to be provided. Or likewise, if a corrections supervisor feels the need for new guidelines for processing incarcerated youths, but it cannot be shown that there are any serious problems with current practices, then technical assistance resources should be focused elsewhere.

The final, and perhaps most critical, factor contributing to a positive climate for change is the presence of knowledgeable, tenacious, and energetic leaders or recipients in the community who will see the technical assistance effort through from its inception to final implementation. The kinds of systems improvements that FGTAD is committed to are serious, deep-seated, and long-lasting. But, it recognizes that the justice system can be remarkably resistant to change. Practices that have existed for years or decades are difficult to alter in a period of months. However, this need not be the case so long as there is someone with the commitment and resources for change.

Several elements are critical to creating a situation and climate in which technical assistance can be most effective. They include: knowledge of the system, an understanding of how this goal area must be implemented in terms of bonding a youth to the conventions of society, the presence of a problem that both needs solving and is amenable to being solved, and the presence of individuals with the wherewithal to effect change. Because past experience has shown that where these factors are present, technical assistance is most successful, the FGTAD will look for these conditions in assessing a technical assistance effort for its support.

CRITERIA FOR APPROVING REQUESTS FOR TECHNICAL ASSISTANCE

FGTAD will attempt to translate the theory and precepts embodied in the NAC standards into practice though technical assistance. In so doing, the Division will respond to requests which meet the following criteria; that is, the technical assistance must:

-- Represent an effort which focuses on activities that promote consistency, proportionality of sanction to offense, and swift justice in the processing of juvenile cases;

-- Be geared to helping the components focus their limited resources on chronic, serious, and violent juvenile offenders;

-- Promote system efficiency and effectiveness through improved planning and coordination of all components of the system;

-- Address juvenile justice systems of substantial size and complexity in which a national contractor is more appropriate than an in-state resource; and

-- Be in concert with the recommendations adopted by the National Advisory Committee and be reflected in its standards.

APPLICATION OF CRITERIA

The application of these criteria is discussed below:

1. **The technical assistance represents an effort which focuses on activities that promote consistency, proportionality of sanctions to offense, and swift justice in the processing of juvenile cases.**

   Nothing can be more destructive to a child's view of society and its law than to experience misprision of justice by public officials. Failure on the juvenile justice system's part to practice that which it preaches leads, at best, to cynicism, and, at worst, to a disavowal of the purpose and function of that system. Thus, it is perhaps even more important in the juvenile than the adult justice system that the procedures followed are perceived as eminently fair and equitable, that fairness exists when decisions are rendered consistently from child to child, regardless of age, sex, race, or economic status.

   Similarly, fairness exists when the sanction for wrong-doing is proportional to the crime committed. Long-term incarceration of a youth in an institution for a minor infraction, while his more violent friend receives a lesser disposition is the kind of outcome that calls into question the basic fairness of the system. Likewise, justice that is swiftly administered and not delayed for great periods of time is more likely to be perceived as fair and equitable. Given the importance of consistency, proportionality, and swiftness to the bonding of a child to society's institutions, FGTAD will evaluate technical assistance requests and focus its resources on those which are consonant with this criterion.

2. **The technical assistance requested is geared to helping the components of the juvenile justice system focus their limited resources on chronic, serious, and violent juvenile offenders.**

   The role and function of the juvenile justice system are coming under greater scrutiny now than they have in years. There are some who

question its very existence, feeling that status and nonoffenders should have no involvement whatsoever with law enforcement, the courts, and correctional facilities; and that serious offenders ought to be treated as adults with all the rights and obligations which that treatment confers.

FGTAD has adopted a middle ground which posits that there is a role for a juvenile justice system, but that its resources should be targeted to those youths who are chronic, serious, and violent offenders, and who are most amenable to help through its agencies. This function of the juvenile justice system cannot be realized so long as judges and others deplete their energies on status and nonoffenders and youths who should more appropriately be helped by other community agencies. Thus, technical assistance sponsors will evaluate requests to ensure that FGTAD helps the system to be more efficient and effective in handling those youths who rightly should be within its purview.

3. **The technical assistance promotes system efficiency and effectiveness though improved planning and coordination of all elements of the system.**

A single instance of technical assistance carries great weight if it helps the myriad agencies to collaborate more effectively. If technical assistance can enhance the ability of juvenile justice practitioners to pool their resources and serve more children with greater efficiency, then it is worthy of FGTAD support. This monograph presents a planning model which contains all the elements which, if implemented, would lay the groundwork for more effective services and better interaction among all providers. Whether or not this particular planning model, or some other, is actually adopted, FGTAD will determine if technical assistance can be helpful in supporting interagency cooperation and will support those efforts which take the larger, system's view over those which target on discrete agencies.

4. **The technical assistance addresses juvenile justice systems of substantial size and complexity in which a national contractor is more appropriate than an in-state resource.**

The technical assistance program implemented by FGTAD is called for in Section 204(b)(6) of the Juvenile Justice and Delinquency Prevention Act. In directing the Administration to aid states in implementing this legislation, Congress was viewing technical assistance as an important tool in leveraging or supplementing local efforts. Technical assistance was never intended as a substitute for local initiative. Thus, states and communities have always been encouraged to undertake their own programs of training, on-site consultation, documentation, and other forms of assistance. The

presence of a national contractor is only appropriate when state and local resources do not exist or are not adequate to the task.

By the same token, FGTAD technical assistance in this goal area should be focused on sufficiently large and complex juvenile justice systems that present problems that affect a large number of youths and/or juvenile justice agencies. The decision to limit technical assistance to these types of recipients stems from a need to get the greatest impact for the dollars spent. This is not to say that small communities need not apply for help, but only that these requests must be evaluated in terms of their potential impact relative to other requests for help.

5. **The technical assistance delivered must be in concert with the recommendations of the NAC and reflected in its standards.**

FGTAD is committed to improving the juvenile justice system in a way which reflects our best judgement and wisdom as to how to handle children. It is our belief in structuring this monograph around the NAC standards that implementation of, or adherence to, the standards is an important step in that direction. Thus, in evaluating technical assistance requests, FGTAD will explore the relevant NAC standards and ensure that they are factored into acceptance of a technical assistance request and into the actual delivery of assistance.

KINDS OF TECHNICAL ASSISTANCE THAT WILL BE APPROVED

In establishing these criteria for the evaluation of technical assistance requests, FGTAD has also decided upon those functional areas on which it will target its technical assistance resources. The areas identified relate strictly to technical assistance requests falling under the "improvement of system" goal area. Different categories have been selected in other goal areas. The areas which parallel the topics presented in Chapter 3 follow:

- Administration. Technical assistance will be approved which addresses managerial and administrative problems of the juvenile justice system. The kinds of activities included under this category are: planning, budgeting, service coordination, management audits, and the establishment of monitoring and evaluation systems.

- Intervention. As Chapter 3 indicates, there are many ways in which intervention into a child's life takes place. The focus of FGTAD in this area will be on law enforcement and strict juvenile justice interventions. Interventions through child welfare agencies, public health organizations, and schools will not be targeted for technical assistance under this goal area.

— Adjudication. In evaluating court functions, technical assistance priority will be given to those activities which focus on the processing of chronic, serious, and violent juvenile offenders. By the same token, it will not be a priority for technical assistance to support the court's active role in handling status and nonoffenders. However, technical assistance might be appropriate to help transfer a court's concern for these cases to more appropriate agencies. In its efforts with courts, FGTAD will support activities which focus on guaranteeing or protecting the rights of children in the justice system. Finally, technical assistance will focus on those agents or agencies, such as detention centers, or programs of short-term emergency care, which in any way restrain a juvenile's liberty.

— Supervision. Technical assistance under this goal area will focus on traditional supervision or correctional programs, such as probation, institutional care, and after-care programs.

These four areas are presented as convenient categories only. In reality, much of the functioning of the traditional justice system can be seen instead as a complex of policies, procedures, and operations which are not confined to single agencies, but are cross-cutting. An intake policy on detention, for example, affects law enforcement, the intake staff, the staff of the detention center, and all those involved in detention hearings. Dispositional policies of a judge, similarly, have impacts that extend far beyond his activities in the courtroom. Indeed, many problems which the justice system faces exist because of the overlapping functions and responsibilities. Certainly, technical assistance efforts which recognize the cross-cutting nature of issues in the juvenile justice system will be favorably reviewed. The intent of this categorization was to highlight those aspects of the traditional system that FGTAD considers under the purview of technical assistance work in this goal area.

MODES OF TECHNICAL ASSISTANCE

Technical assistance in each of the three goal areas will be provided through one of four modes: correspondence and documentation, support for national organizations, support for state personnel, and direct technical assistance for program tests. By limiting technical assistance activities to these four approaches, FGTAD is helping to distinguish its activities from other research and funding initiatives of OJJDP. These needs are also useful to a potential recipient who may be considering applying to OJJDP for assistance.

Technical assistance through correspondence and documentation is one of the most cost-effective vehicles for helping communities solve problems in their local juvenile justice system. Our contractors in this goal area have produced a number of documents directed at improving the system. They have also developed considerable libraries from which to draw materials to be of

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use to technical recipients. Some examples of documents produced in this goal area are:

- Serious and Violent Juvenile Offender,
- Jail Removal Cost Study,
- Residential Environments for the Juvenile Justice System,
- Program Monitoring,
- Comparative Analysis of Juvenile Codes,
- Assessment of Juvenile Court Operations,
- Assessment Protocol,
- Detention Operations Manual,
- Shelter Care Operations Manual,
- Intake,
- Public Education Materials Catalogue,
- Assessment of the Incidence of Juvenile Suicide in Juvenile Detention Centers, County Jails, and Municipal Lockups,
- Program for Young Women in Trouble,
- Police Operations Handbook,
- Evaluation Issues,
- Juvenile Police Training Curriculum,
- Removing Children from Adult Jails and Lockups: A Guide to Action,
- Juvenile Detention Training Curriculum,
- Legislative Monitoring: Case Studies from the National Legislative Internship Program,
- Discipline and Grievance Procedures: Juvenile Detention and Correctional Facilities,
- Prohibiting Secure Juvenile Detention, Assessing the Effectiveness of National Standards Detention Criteria,

-- **Program Models to Reduce Inappropriate Juvenile Detention.**

By identifying national organizations as recipients of FGTAD-supported technical assistance, the OJJDP is recognizing the broad scope of its mandates and the strength represented by their memberships. Assistance to organizations like the National Association of State Juvenile Justice Administrators, the National Council of Juvenile and Family Court Judges, and the International Juvenile Officers Association, if shared with their memberships, can produce significant results beyond the single instance of effort.

Examples of this type of assistance are illustrated in the cooperative liaison with the National Coalition for Jail Reform, the National Institute of Corrections, the Federal Law Enforcement Training Academy, and the Boys Clubs of America. For example,

-- The membership of the National Coalition for Jail Reform comprises more than 30 national organizations involved with issues concerning the management and operation of county jails and municipal lockups, including the National Sheriffs Association, American Bar Association, National Association of Counties, and the National Council of Juvenile and Family Court Judges. FGTAD technical assistance involved documentation and development of background information materials. Joint sponsorship of a symposium, entitled National Symposium on Children in Adult Jails, provided the foundation for development of jail removal plans in 12 states.

-- Technical assistance to the Federal Law Enforcement Training Academy and the National Institute of Corrections (NIC) Jail Center involves curriculum development for training of juvenile police and corrections officials nationwide. More than 500 state and local police officials will be trained through the FLETC program alone in 1983. Assistance to NIC will also involve the development of a juvenile suicide prevention package to deal with the alarming incidence of suicide in our nation's jails.

-- A continuing technical assistance relationship with the Boys Clubs of America was translated into a nationwide public awareness program on inappropriate detention of juveniles, with more than 1,000 Clubs involved. More specific three-day consultations are underway with 12 selected Boys Clubs involving the boards, volunteers and membership.

Similarly, it is hoped that there will be a trickle-down effect with technical assistance that is provided to state personnel. By working to strengthen state capabilities of such agencies as Divisions of Youth Services, Administrative Offices of the Courts, and Departments of Corrections, the Divisions expect the benefits to be shared and in-state capacity to be expanded.

Technical assistance invovles both the process and substance of improving the administration of juvenile justice. Several examples are noted below:

-- Architectural and program assistance is provided to the New Hampshire Youth Development Center to reorganize its delivery of services to juvenile offenders.

-- Consultation with the Massachusetts Division of Youth Services solidifies proposed legislation concerning serious and violent juvenile offenders.

-- Planning assistance in Michigan, Oklahoma, and New Mexico aids in the development of statewide plans for the removal of juveniles in adult jails and lockups. Similar assistance in North Carolina and Louisiana responds to specific statutory mandates in those states. In Oregon, FGTAD technical assistance involves planning in response to the requirements of a Federal Court decision.

-- Public education strategies and materials are developed in conjunction with a statewide media campaign in South Carolina.

-- Grievance procedures are developed and implemented in the youth correctional institutions of Wisconsin. A comprehensive technical assistance package documents the process for use by other states participating in the Act.

-- Consultation in Maine assists the State Juvenile Justice Advisory Committee in the monitoring of a controversial juvenile code and in their effort to document juvenile crime and detention statewide.

Finally, the Division expects to contribute its experience to expanding the state of the art of juvenile justice programming. It will do this by supporting technical assistance which is rigorously designed to test basic assumptions and operating premises of juvenile justice programs. By participating in these kinds of activities and thoroughly documenting the findings, we intend to develp a knowledge base from which all practitioners can benefit.

The following represent examples of these undertakings.

-- Development of a comprehensive shelter care manual for three Tribal Councils in Arizona, with special attention to alcohol and drug abuse, will provide a model for use in other areas.

-- Assessment of detention policies and practices in Indianapolis will establish a basis for improved intake practices, as well as programming and design at the Marion County Juvenile Detention Center. Examination of rearrest and failure-to-appear rates under various release/detention criteria will guide improvements to assure protection of public safety and the court process.

-- Technical assistance to the Los Angeles Probation Department will test the basic assumptions and operational premises of traditional case management techniques and provide new insights for improvement of court supervision of juvenile offenders.

-- Technical assistance in planning, programming, and assessment of 17 local efforts to remove juveniles from adult jails will examine the validity of many untested assumptions regarding jail removal. Examination of issues such as public safety, net widening, transfer to adult courts, need for secure detention space, resources in areas of low population density, and cost will shed light on a major requirement of the Act.

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